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WILDERNESS MANAGEMENT POLICY

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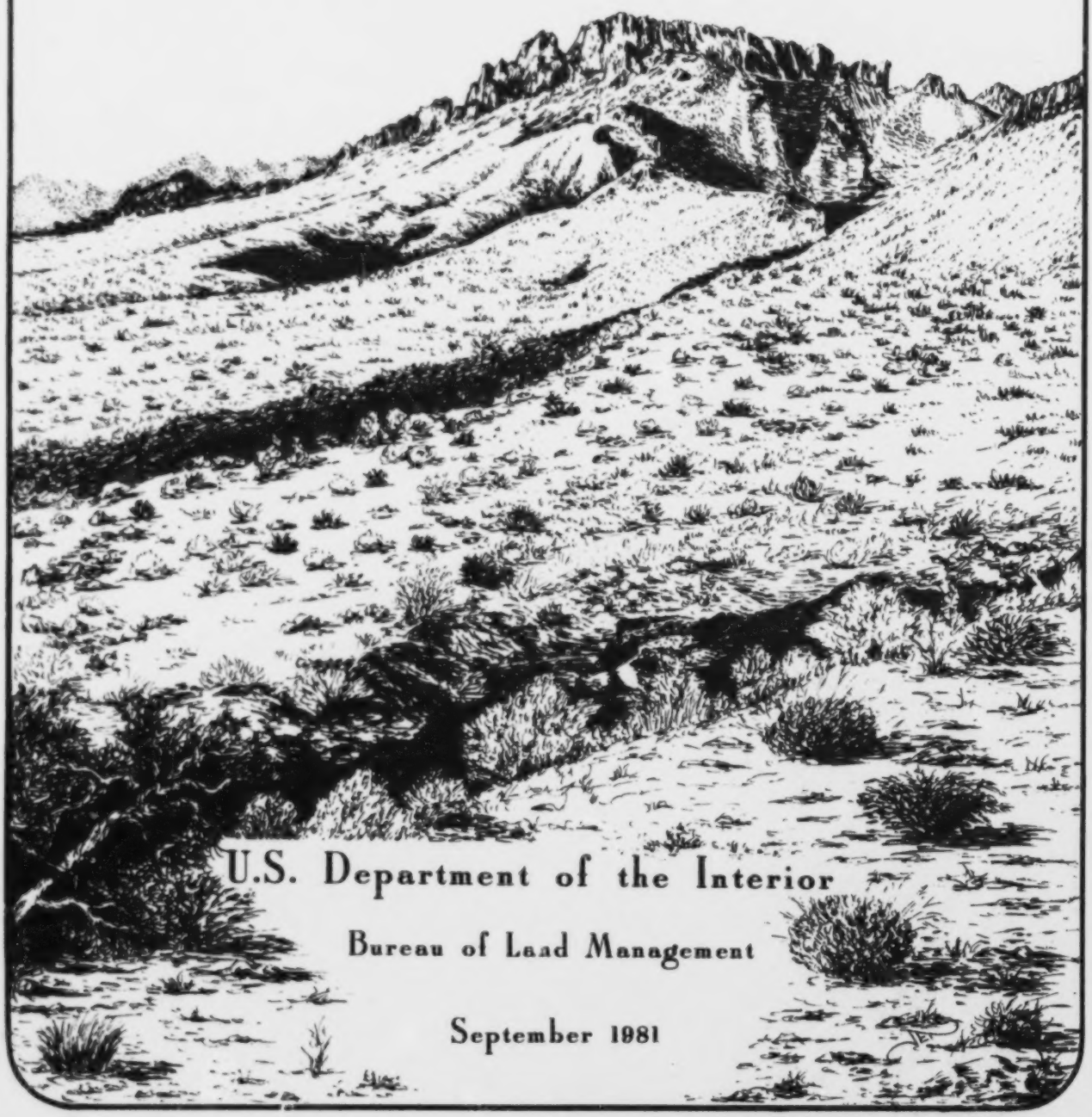

U.S. Department of the Interior

Bureau of Land Management

September 1981

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WILDERNESS MANAGEMENT POLICY

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Chapter I. Introduction

I. A. The Purpose of This Document

The purpose of this document is to describe how the Bureau of Land Management (BLM) will manage lands administered by the BLM which are designated by Congress as part of the National Wilderness Preservation System. At present, the Bureau of Land Management administers no wilderness areas. The Bureau has developed a Wilderness Management Policy at this time for the following reasons: (1) to inform BLM field officials, Congress, and the public as to how BLM will manage wilderness areas, so this can be taken into account during BLM wilderness studies and during deliberations on wilderness recommendations affecting BLM public lands, and (2) to provide guidance for BLM personnel to use in managing future BLM wilderness areas at such time as Congress designates them.

The BLM's Wilderness Management Policy will apply to public lands administered by BLM that have been specifically designated as wilderness by an Act of Congress. The Wilderness Management Policy has a different purpose than BLM's *Interim Management Policy and Guidelines for Lands under Wilderness Review*. The *Interim* Management Policy is an interim measure governing lands under wilderness review. The Wilderness Management Policy governs lands designated by Congress as wilderness. (Appendix C of this document summarizes BLM's wilderness review process.) If Congress designates a wilderness study area as wilderness, the Interim Management Policy ceases to apply, and instead the Wilderness Management Policy applies thereafter. If Congress decides that a particular wilderness study area will *not* be designated as wilderness, the Interim Management Policy ceases to apply, and the area is managed for the uses and activities indicated in the pertinent BLM planning documents for the area.

This policy document does not apply to BLM-administered public lands in Alaska. If public lands in Alaska are designated as wilderness in the future, they will be managed under applicable provisions of the Wilderness Act of 1964 and in accordance with additional congressional guidance in the Alaska National Interest Lands Conservation Act of 1980 (ANILCA). The ANILCA recognized special conditions in Alaska in connection with such activities as subsistence uses, access and transportation.

I. B. Mandate from Congress

The BLM wilderness review program stems from Section 603 of the Federal Land Policy and Management Act of 1976 (FLPMA). In FLPMA, Congress gave BLM its first unified, comprehensive mandate on how the public lands should be managed. The law establishes a policy of generally retaining the public lands in Federal ownership, and it directs the BLM to manage them under principles of multiple use and sustained yield. The BLM is to prepare an inventory of the public lands and their resources, including identification of areas having wilderness characteristics. Management decisions for the public lands are to be made through a land-use planning process that considers all potential uses of each land area. All public lands are to be managed so as to

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prevent unnecessary or undue degradation of the lands.

Under FLPMA, wilderness preservation is part of BLM's multiple-use mandate, and wilderness values are recognized as part of the spectrum of resource values and uses to be considered in the inventory and in the land-use planning process. Section 603 of FLPMA specifically directs the BLM, for the first time, to carry out a wilderness review of the public lands. (The complete text of section 603 appears in Appendix A of this document. The BLM's wilderness review process implementing section 603 is summarized in Appendix C.)

Section 603(c) of FLPMA tells the BLM how to manage public lands designated as wilderness, in these words:

> "Once an area has been designated for preservation as wilderness, the provisions of the Wilderness Act which apply to national forest wilderness areas shall apply with respect to the administration and use of such designated area, including mineral surveys required by section 4(d)(2) of the Wilderness Act, and mineral development, access, exchange of lands, and ingress and egress for mining claimants and occupants."

The Wilderness Act of 1964 contains a number of provisions addressing the administration and use of national forest wilderness areas. Those most pertinent to BLM wilderness management are cited in the following paragraphs. Section 2(a) says:

> "...it is hereby declared to be the policy of the Congress to secure for the American people of present and future generations the benefits of an enduring resource of wilderness. For this purpose there is hereby established a National Wilderness Preservation System to be composed of federally owned areas designated by Congress as 'wilderness areas', and these shall be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character, and for the gathering and dissemination of information regarding their use and enjoyment as wilderness...."

Section 4 of the Wilderness Act is devoted to the use of wilderness areas. Section 4(b) says:

> "Except as otherwise provided in this Act, each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes for which it may have been established as also to preserve its wilderness character. Except as otherwise provided in this Act, wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use."

Section 4(c) prohibits certain activities, in these words:

> "Except as specifically provided for in this Act, and subject to existing private rights, there shall be no commercial enterprise and no permanent road within any wilderness area designated by this Act and, except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area."

Sections 4(c), 4(d), and 5 provide special exceptions to the prohibitions in section 4(c) by providing for the following activities:

- existing private rights.
- measures required in emergencies involving the health and safety of persons within the area.
- activities and structures that are the minimum necessary for the administration of the area as wilderness.
- use of aircraft and motorboats, where already established, may be permitted to continue.
- measures necessary in the control of fire, insects, and diseases.
- any activity, including prospecting, for the purpose of gathering information about mineral or other resources, if carried on in a manner compatible with the preservation of the wilderness environment. (This includes mineral surveys conducted on a planned, recurring basis by the Geological Survey and Bureau of Mines.)
- continued application of the U.S. mining and mineral leasing laws until December 31, 1983.
- water resource developments may be authorized by the President where he determines that such use will better serve the interests of the United States and the people thereof than will its denial.
- livestock grazing, where already established, shall be permitted to continue.
- commercial services necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas.
- adequate access to surrounded State-owned and privately-owned lands, or such lands shall be exchanged for Federally-owned land.
- ingress and egress to surrounded valid mining claims and other valid occupancies.

Section 5(c) provides land acquisition authority, in these words:

> "Subject to the appropriation of funds by Congress, the Secretary of Agriculture is authorized

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to acquire privately owned land within the perimeter of any area designated by this Act as Wilderness if (1) the owner concurs in such acquisition or (2) the acquisition is specifically authorized by Congress."

In addition to the basic management authority in the Wilderness Act, management provisions may appear in the legislation establishing each wilderness area. Standard provisions included in most wilderness legislation make clear that the effective date of the new law will apply wherever the Wilderness Act's management provisions mentioned the effective date of the Wilderness Act, and, for areas administered by the Department of the Interior, make clear that the Secretary of the Interior will continue to administer the areas.

In some cases, special provisions have been incorporated into the legislation (e.g., special mining area in the River of No Return Wilderness in Idaho). These provisions override the general management provisions of the Wilderness Act and must be regarded as specific direction for management of the area in question.

Congress has subsequently commented on wilderness management in House and Senate committee reports and conference reports accompanying wilderness legislation. These reports are part of the legislative history of the laws they accompany and can be helpful in determining the intent of Congress where the language in the law itself is unclear. Although reports on wilderness laws passed after 1964 do not become part of the legislative history of the Wilderness Act, they nonetheless indicate the interpretation given to the Wilderness Act by the congressional committees during their consideration of the subsequent legislation. Such report language addresses a variety of subjects. For example, guidelines for administering grazing use in wilderness areas appear in the Conference Report (House Report 96-1126) on the Central Idaho Wilderness Act of 1980 (P.L. 96-312). House Report 95-540 on the Endangered American Wilderness Act of 1978 discusses the interpretation of the Wilderness Act as it relates to such uses and activities as: hunting and fishing; trails, bridges, and trail signs; control of fire, insects, and diseases; cabins and sanitary facilities; shelters and campsite facilities; and weather modification and special equipment.

The provisions of FLPMA, the Wilderness Act, and future Acts of Congress designating specific BLM areas as wilderness are BLM's mandates on the management of wilderness areas. All activities in wilderness areas must be carried out in conformance with these mandates.

I. C. Meaning of the Congressional Mandate

The congressional mandate contains three basic concepts which form the basis for BLM's Wilderness Management Policy.

— *Wilderness Preservation Concept:*

Congress has directed the BLM to perpetuate the wilderness resource by managing designated wilderness areas so that their wilderness character is preserved unimpaired.

— *Wilderness Use Concept:*

Congress has directed the BLM to provide opportunities for the public to use designated wilderness areas for recreational, scenic, scientific, educational, conservation, and historical purposes in a manner so as to leave the wilderness area unimpaired for future use and enjoyment as wilderness.

— *Nonconforming Use Concept:*

Congress has directed the BLM to accommodate in wilderness areas certain activities, existing uses, and private rights which are generally nonconforming to wilderness preservation and wilderness use.

The meaning of each of these concepts is discussed below.

1. **Wilderness Preservation Concept**

The Wilderness Act directs that wilderness areas be managed to provide for their protection, the preservation of their natural conditions, and the preservation of their wilderness character. The factors which make up an area's wilderness character are spelled out in the Wilderness Act's definition of wilderness (section 2(c)). These factors are referred to in FLPMA collectively as "wilderness characteristics," and they fall into three broad categories:

a. Naturalness—A wilderness area "generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable." Wilderness areas must be managed to ensure that this description remains accurate.

b. Outstanding Opportunities for Solitude or a Primitive and Unconfined Type of Recreation—A wilderness area "has outstanding opportunities for solitude or a primitive and unconfined type of recreation." Solitude is defined as (1) the state of being alone or remote from habitations; isolation; (2) a lonely, unfrequented or secluded place. The emphasis is on the opportunities a person has to avoid the sights, sounds, and evidence of other people within a particular area. Primitive and unconfined types of recreation are defined as those activities that provide dispersed, undeveloped recreation which do not require facilities or motorized equipment. In most cases, opportunities for solitude and primitive recreation go hand-in-hand, and both are dependent on naturalness. Wilderness areas must be managed to ensure that these opportunities are not degraded.

c. Special Features—Congress specified that wilderness areas "may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value." These are optional wilderness characteristics; an area may meet the Wilderness Act's definition of wilderness without having these special features, but they are usually present in wilderness areas, and in some cases they may be a prime reason for wilderness designation. Also, these features contribute to an area's opportu-

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nities for primitive recreation. Wilderness areas must be managed to ensure that these opportunities are not degraded.

In order to preserve these wilderness characteristics as Congress directed, the management of BLM-administered wilderness must be based on a *principle of nondegradation*. Under this principle, the central thrust of BLM wilderness management is to prevent degradation of natural conditions, opportunities for solitude or primitive recreation and special features.

It is recognized that there is often variation in the level of naturalness, solitude, types of primitive recreation, and special features, present within a wilderness—or between different wilderness areas. Also, different lands have different capabilities to sustain types and amounts of use. The principle of nondegradation means that wilderness areas will be managed to provide for the protection and perpetuation of the values of the wilderness resource and prevent deterioration caused by other resource activities or by visitor use, and, when necessary, to restore deteriorated sites to an acceptable condition.

Most uses will result in some changes in the condition of the wilderness resource. Some uses cause little or no change, while others have the potential for serious change. Therefore, it is necessary to define limits of acceptable change. This must be established using the conditions *generally* prevailing in each wilderness at the time of congressional designation as a benchmark unless there is unacceptable biological, physical, or social degradation present. This does not mean that existing human-caused impacts in some areas will set a standard, or a sort of "lowest common denominator", which other more natural areas will be allowed to reach. Managers must determine what human-caused changes can be allowed without causing degradation and what measures can be taken to bring situations below the limit of acceptable change back to an acceptable level. This may influence the ways in which recreational, scenic, scientific, educational, conservation, and historical uses, as well as nonconforming uses, are done in the area, so their impact on the wilderness resource can be kept within the limits of acceptable change.

In the case of some of the nonconforming uses, such as mining, provided for by Congress in the Wilderness Act and subsequent legislation, the condition of the wilderness resource may be degraded as a result of an allowed use. However, in such cases, the principle of nondegradation and the limits of acceptable change should be used as an analysis tool for the reasonable mitigation of impacts, consistent with the applicant's conduct of the allowed use, and as a standard for determining the condition to which the area will be returned where and when rehabilitation is appropriate.

In this document, the principle of nondegradation is reflected in the policies and guidelines for specific activities.

Two equivalent terms used many times in this document reflect the wilderness preservation concept—"preservation of wilderness character" and "protection of the wilderness resource."

2. **Wilderness Use Concept**

Section 4(b) of the Wilderness Act provides fundamental guidance on how wilderness areas shall be used, in these words:

> "Except as otherwise provided in this Act, each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes for which it may have been established as also to preserve its wilderness character. Except as otherwise provided in this Act, wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use."

Wilderness areas are thus open to use and provide a variety of benefits to society. Use might be "on-site," taking direct advantage of the multiple resources of the area. Or the use and benefits may be derived "off-site," such as through enjoyment of the scenery at a distance from a nearby highway, through indirect benefits from the area's resources (i.e., water quality, wildlife, etc.), or just the knowledge that the area exists.

There is a limit to the extent to which such uses as recreation and education may take place within wilderness, because the Wilderness Act also says that they must occur in a manner so as to leave the wilderness unimpaired for future use and enjoyment as wilderness. Provision may be made for recreational, scenic, scientific, educational, conservation, and historical use of wilderness areas in ways that do not jeopardize the conditions of naturalness, the opportunities for solitude or a primitive and unconfined type of recreation, or the special features that existed at the time an area was designated as wilderness by Congress. All public use will be administered to ensure that the wilderness resource is kept unimpaired.

Public use for recreation purposes is generally a prevalent use of wilderness. However, the Wilderness Act makes it clear that recreation is only one of the purposes of the National Wilderness Preservation System. Sometimes there are places within wilderness where particularly sensitive values—such as colonial bird nesting sites—may dictate that recreation activities be restricted or entirely excluded.

Use capacity (recreational, historic, educational, etc.), based on social and ecological elements, will be established for each wilderness area, and will be considered in determining how much use to allow.

A second factor which may limit the use of wilderness has to do with the nonconforming use provisions of the Wilderness Act and subsequent legislation. In portions of a wilderness area where nonconforming activities such as mining and grazing are permitted, there may be instances when the public purposes listed in section 4(b) may be displaced either temporarily or permanently.

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3. **Nonconforming But Accepted Use Concept**
Congress specially provided for certain activities and existing uses which otherwise would have been prohibited in wilderness areas under the general management provisions of sections 2(a), 4(b) and 4(c). For a complete list of these nonconforming but accepted activities, refer to section I.B.; generally they are: existing private rights; aircraft and motorboats; control of fire, insects, and diseases; gathering of resource information; mining; grazing; water resource development; commercial recreation services; and access to non-Federal inholdings.

The FLPMA directs that all uses of the public lands be conducted so as to prevent unnecessary or undue degradation of the lands. In wilderness areas, this means that the BLM must manage the nonconforming but accepted uses described above so as to prevent unnecessary or undue degradation of the area's wilderness character. As on nonwilderness public lands, some of the nonconforming but accepted uses may be restricted or entirely excluded where particularly sensitive resource values occur or where the public interest would be better served by restricting or excluding them.

Chapter II. Management Policy for BLM-Administered Wilderness

The policy guidance in this chapter is followed in Chapter III by guidelines for specific activities, based on these policies and on their interaction with other applicable policies for the management of public lands. No policy document can address every potential situation. Managers must use their best judgment in applying these policies and guidelines to particular situations. In cases not covered by specific guidance, managers will resolve questions by testing alternative courses of action against the policies in this chapter to arrive at the alternative that is most consistent with the policy as a whole.

Uses and values will vary between wilderness areas and frequently vary among different parts of an individual wilderness. There may be wide differences in terrain and other geographic characteristics, climate, vegetation, and wildlife. Historical patterns of use, local customs, and the traditional attitudes of visitors also differ between and within wilderness areas. Consequently, activities that are accepted and management practices that are necessary and appropriate on one wilderness may be either unnecessary or unacceptable on others. While this may require some flexibility in the management and administration of the individual units of wilderness, all are part of one National Wilderness Preservation System and shall be consistently managed within the intent of the Wilderness Act.

This policy document prescribes the general objectives, policies, and specific activity guidance applicable to all BLM wilderness areas. Specific management objectives, requirements, and decisions implementing administrative practices and visitor activities in individual wilderness areas are developed and described in the wilderness management plan for each unit.

II. A. General Policy

1. The Department of the Interior's policy is to manage wilderness areas under the administration of the Bureau of Land Management so as to preserve their wilderness character, and to manage them for the use and enjoyment of the American people in a manner that will leave them unimpaired for future use and enjoyment as wilderness. The wilderness areas will be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use.

2. The Department's policy is to allow the nonconforming but accepted uses specifically permitted in wilderness areas by the Wilderness Act and subsequent laws in a manner that will prevent unnecessary or undue degradation of the area's wilderness character.

3. The Department's policy is to manage BLM wilderness areas consistent with the policies above so as to augment multiple use management of adjacent and nearby lands through protection of watersheds and water yield, wildlife habitat, natural plant communities, and similar natural values.

II. B. Specific Policy Guidance

1. **Preservation of Wilderness Character.** BLM wilderness areas will be managed so as to be affected primarily by the forces of nature, with the imprint of human work substantially unnoticeable; so as to maintain the area's outstanding opportunities for solitude or primitive and unconfined recreation; and so as to protect any ecological, geological, or other features of scientific, educational, scenic, or historical value which the area may contain.

a. **Naturalness.** BLM will foster a natural distribution of native species of wildlife, fish, and plants by ensuring that natural ecosystems and ecological processes continue to function naturally. The BLM will minimize human influence on wildlife populations and work to prevent the extinction by human causes of plants and animals found in the areas. Hunting, fishing, and trapping will continue as authorized by State law, when carried out in a manner consistent with preservation of an area's wilderness character.

The BLM will allow fire, insects, and diseases to play a natural role in the wilderness ecosystem, except where these activities threaten human life, property, or high value resources on adjacent nonwilderness lands, or where these would result in unacceptable change to the wilderness resource. (The guidelines in Chapter III will indicate some types of unacceptable change.)

The BLM will keep watersheds, water bodies, water quality, and soils in a natural condition and will allow associated ecological processes previously altered by human influences to return to their natural condition.

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The limits of acceptable change will be defined in the wilderness management plan for each wilderness area, and the BLM will endeavor to restore those sites which have dropped below this level.

b. **Solitude.** BLM will maintain and enhance the area's outstanding opportunities for solitude by providing natural settings with few reminders of human activity or civilization and by providing opportunities for relatively few contacts with other visitors.

c. **Special Features.** BLM will maintain unimpaired the ecological, geological, and other features of scientific, educational, scenic, or historical value found in BLM wilderness areas.

2. **Prohibition of Certain Uses**

Except where subject to existing private rights, where necessary to meet minimum requirements for the administration of the wilderness area for the purposes of the Act or as specifically provided for elsewhere in these policies, there shall be no temporary road, no use of motor vehicles, motorized equipment, or motor boats, no landing of aircraft, no other form of mechanical transport and no structure or installation within wilderness areas. There shall be no commercial enterprise or permanent road, except where subject to existing private rights or as specifically provided for in this policy.

3. **Minimum Tool**

Tools, equipment, or structures may be used for managment when they are the minimum necessary for protection of the wilderness resource or when necessary in emergency situations for the health and safety of the visitor. Management will use the *minimum* tool, equipment, or structure necessary to successfully, safely, and economically accomplish the objective. The chosen tool, equipment, or structure should be the one that least degrades wilderness values temporarily or permanently.

For the purpose of the above paragraph, accepted tools, equipment, and structures may include but are not limited to: fire towers, patrol cabins, pit toilets, temporary roads, spraying equipment, hand tools, fire-fighting equipment caches, fencing, and controlled burning. In special or emergency cases involving the health and safety of wilderness visitors, or the protection of wilderness values, aircraft, motorboats, and motorized vehicles may be used.

4. **Visitor Use.** BLM wilderness areas will be managed to provide for their use and enjoyment in ways that are consistent with preservation of their wilderness character and that will leave them unimpaired for future use and enjoyment as wilderness.

Visitor use may be related to any of the following public purposes: recreation, scenic, scientific, educational, conservation, and historical use.

Visitor use facilities may be installed if they are the minimum necessary for the health and safety of wilderness visitors, or for the protection of the wilderness resource. (See also "minimum tool," in section B.3. above.) Facilities that are solely for the convenience of the visitor are not compatible with preservation of wilderness character and therefore will not be provided in wilderness areas.

The use capacity of the wilderness area will be determined, and will be used by managers to anticipate and avert degradation of the area's wilderness character and as a basis for mitigating the impacts caused by various uses.

If visitor use threatens to impair the area's wilderness character, managers will take action to prevent impairment. Indirect methods of reducing visitors' impact, such as trail design, information, and education, will be preferred over direct (regulatory) methods, such as limits on party size, length of stay, or number of parties. In case of conflict between visitor uses that depend upon a wilderness setting and those that do not, the uses dependent upon a wilderness setting will be favored.

Visitor use in wilderness involves certain risks to the visitor as a consequence of isolation from the conveniences of a technological world. The visitor must accept these risks in entering a wilderness area. In emergencies involving the health and safety of persons within the area, managers will take appropriate measures, such as search and rescue operations.

5. **Nonconforming Uses.**

a. **Valid Existing Rights.** Private rights existing as of the date an area was designated as wilderness will be recognized. In some cases, such rights may involve activities addressed elsewhere in this document under standards prescribed by the Wilderness Act. (One example of this is valid mining claims, addressed in section (h).) Valid existing rights in situations not covered by these policies will be considered by the BLM on a case-by-case basis, in consultation with the Regional Solicitor, to determine the nature of the rights and the extent to which the BLM must regulate the exercise of those rights pursuant to the Wilderness Act and other laws.

b. **Aircraft and Motorboats.** Use of aircraft or motorboats may be permitted to continue in wilderness areas where such uses were established prior to the date the area entered the National Wilderness Preservation System. Such use, when permitted to continue, will be monitored on a regular basis to determine if its continuation is appropriate. Use may be regulated or discontinued as necessary to protect resources in the area or to preserve the area's wilderness character.

c. **Control of Fires, Insects, and Diseases.** Where fire, insects and diseases threaten human life, property, or high value resources on adjacent nonwilderness lands, or where they would cause unacceptable change to the wilderness resource, measures may be taken as necessary to control them. Allowable actions will be specified in the wilderness management plan for each wilderness area.

d. **Gathering Information About Resources.** Any activity, including mineral prospecting, for the purpose of gathering information about natural resources in wilderness, will be permitted provided it is carried on in a manner compatible with the

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preservation of the wilderness resource. (This section does not affect mineral prospecting activities conducted under the mining laws, which are covered in section (h) below. The Wilderness Act provides for these activities in wilderness areas until midnight December 31, 1983.)

(1) No form of overland mechanical transport may be used in connection with prospecting for minerals or any activity for the purpose of gathering information about individual resources, unless approved by the BLM in accordance with the regulations 43 CFR 2920 - Leases, Permits, and Easements (effective April 15, 1981) (published in 46 FR 5772).

(2) Any person desiring to use motor vehicles, motorized equipment, mechanized transport, or to land aircraft, for mineral prospecting or for gathering information about resources is required to notify the BLM in writing. Approval documents will assure activities are conducted in a manner compatible with the preservation of the wilderness resource. No degradation of wilderness resources or values will be allowed. Restoration of disturbed areas is required and must take place as soon as possible once activities terminate. Performance bonds may be required.

e. **Proposed Water Resource Facilities.** If the President authorizes new water resource facilities or activities, pursuant to section 4(d)(4)(1) of the Wilderness Act, the BLM will manage those authorized operations to prevent unnecessary or undue degradation of the area's wilderness character. (Existing water resource facilities are discussed in (f) below, and water facilities for livestock grazing are discussed in (g) below.)

f. **Existing Water Resource Facilities.** Some wilderness areas may contain minor water resource facilities that were found to be substantially unnoticeable in the area. If such structures are present and were explicitly recognized by Congress as being acceptable in a specific wilderness, they may be operated and maintained to keep them in an effective, usable condition. Maintenance may not change the location, size, or type of the facility, or increase the storage capacity of a reservoir.

g. **Livestock Grazing.** Grazing of livestock, where established prior to the effective date of the Act designating the area as wilderness, shall be permitted to continue subject to this policy and the BLM grazing regulations 43 CFR 4100. Existing grazing may include not only the utilization of the forage resource, but also the use and maintenance of livestock management improvements and facilities associated with the grazing activity at the time of designation and which are in compliance with an approved Allotment Management Plan.

Congressional guidelines regarding "Grazing in National Forest Wilderness Areas," published in House Report 96-1126, dated June 24, 1980, will be implemented in all BLM-administered wilderness with pre-existing grazing. These guidelines will be applied using the normal planning and environmental assessment process and will be integrated into all management plans for the wilderness area.

h. **Minerals Management.** Until midnight December 31, 1983, the United States mining laws and all laws pertaining to mineral leasing shall extend to BLM-administered wilderness areas to the same extent as applicable prior to the date the wilderness was incorporated into the National Wilderness Preservation System.

(1) **Mining Law Administration.** Holders of unpatented mining claims validly established on any BLM-administered wilderness prior to inclusion of such unit in the National Wilderness Preservation System are accorded the rights provided by the United States mining laws as then applicable to public land involved. Persons prospecting or locating mining claims in BLM-administered wilderness on or after the date on which the said unit was included in the National Wilderness Preservation System are accorded similar rights subject to the provisions of the Wilderness Act and subsequent establishing legislation. All claimants must comply with reasonable conditions for the protection of resources in accordance with the general purposes of maintaining the National Wilderness Preservation System unimpaired for future use and enjoyment of its wilderness character.

Timber on mining claims within BLM-administered wilderness may be cut only for the actual development of the claim or uses reasonably incident thereto. Any severance or removal of timber, other than that necessary to provide clearance, on the claim shall be in accordance with sound principles of forest management and shall be done in such a manner as to minimize adverse effects on the wilderness resource. In the development and operation of mining claims, claimants will be required to prevent erosion and the obstruction, pollution, or siltation of streams, lakes, or springs or deterioration of the land.

A bond as prescribed in 43 CFR 3809.1-9 may be required. All reasonable measures will be required of the operator to reclaim disturbed lands as soon as feasible after operations cease. Ordinarily, needed work will be accomplished within one year after operations cease, unless provided otherwise by the BLM. Whenever possible and feasible the objectives of reclamation shall be to restore the surface to a contour which appears to be natural, although this may not be the original contour. Where such measures are impractical or impossible, the objective shall be to provide for the maximum achievable slope stability. Reclamation shall in all cases include revegetation where feasible and practical. If revegetation by natural means will not occur in time to prevent serious soil loss or other damage to wilderness values, revegetation by planting may be required, with preference given to the use of native species, where practical and reasonable.

If an application for patent has been filed but not acted upon when the requirements of the immediately preceding paragraph would normally be invoked, the requirements will be suspended while the patent application is under consideration. However, those requirements for the prevention of erosion and pollution, siltation or obstruction of

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streams, lakes, or springs or deterioration of the land will continue to be observed.

The title to timber on patented mining claims validly established after the land was included in the National Wilderness Preservation System will remain in the United States, subject to a right of the patentee to cut and use timber. The patentee may cut and use as much of the mature timber as is needed in the extraction, removal and beneficiation of the mineral deposits, if needed timber is not otherwise reasonably available. The cutting shall comply with the requirements for sound principles of forest management as set forth in stipulations issued by the BLM.

In the development and operation of mining claims, claimants will be required to prevent unnecessary or undue degradation of the land.

(2) **Mineral Leasing.** Until January 1, 1984, all laws pertaining to mineral leasing will continue to apply in wilderness areas to the same extent they applied before the area was designated.

State Directors will make decisions on whether or not to issue mineral leases, permits, and licenses in wilderness areas. The State Director's decision to issue mineral leases will be made through the environmental assessment process and after consideration of what will best serve the public interest.

Reasonable stipulations for the protection of the wilderness character of the land will be incorporated into mineral leases, permits, and licenses covering lands within BLM-administered wilderness. Stipulations will be consistent with the use of the land for purposes for which they are leased, permitted, or licensed.

(3) **Common Varieties.** Permits shall not be issued for the removal of mineral materials commonly known as common varieties under the Materials Act of July 31, 1947, as amended and supplemented.

(4) **Withdrawal.** Subject to valid rights then existing, effective January 1, 1984, the minerals in lands designated as wilderness are withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral leasing, unless Congress specifically provides otherwise in the law designating the area as part of the National Wilderness Preservation System or in subsequent legislation.

i. **Commercial Services.** Commercial services such as those provided by packers, outfitters, and guides may be provided within wilderness areas to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas.

j. **Access to Non-Federal Lands.** States or persons, and their successors in interest, who own land completely surrounded by a wilderness area shall be given such rights as may be necessary to assure adequate access to that land. Adequate access is defined as the combination of routes and modes of travel which will, as determined by the BLM, cause the least lasting impact on the wilderness resource, and at the same time serve the reasonable purposes for which the State or private land is held or used.

No road shall be constructed across wilderness until authorized by the BLM. Access by routes or modes of travel not available to the general public may, when fully justified, be permitted by written authorization. The authorization will prescribe routes and modes of travel which will result in the least lasting impact on wilderness values and, at the same time, serve the reasonable purposes for which the land is held or used. A performance bond will usually be required (in accordance with Title V of the Federal Land Policy and Management Act).

Where the exercise of rights of access to surrounded State or private land would be detrimental to wilderness values, the BLM shall, before granting access, attempt to acquire such land by purchase or by exchange.

6. **Existing Structures and Installations**

After Congress has designated a wilderness area, an inventory will be made of existing structures and installations, critically evaluating the purposes and need for each, and its historical significance, if any. If a structure or installation has historical significance, it may be retained as a historic feature of the area. If it does not have historical significance, it may be maintained for continued use if it meets the "minimum tool" policy in paragraph 3 above, or if it is necessary for a use specifically permitted by the Wilderness Act or by the law designating the affected wilderness area. Any structure or installation that does not qualify for retention under the above criteria will be removed.

In maintaining or modifying existing structures and installations, the manager should consider the potential for using native materials and alternative technological approaches to make them as unobtrusive as possible.

7. **Acquisition of Non-Federal Lands**

Acquisition of non-Federal lands within wilderness areas is authorized by purchase or exchange. When such lands are to be acquired, the BLM will seek to acquire the mineral rights as well as the surface rights. Acquisition of privately-owned lands will occur only if the private owner concurs with the acquisition, or if the acquisition is specifically authorized by Congress to be accomplished by eminent domain.

8. **Research and Collection of Management Information**

Wilderness areas administered by BLM will provide opportunities for research and scientific activities that use wilderness areas for study of natural environments and ecosystems. Information collection activities by resource managers for wilderness and other purposes may also be conducted in wilderness. All research and collection of management information within the wilderness area will be conducted in an unobtrusive manner, by methods compatible with the preservation of the area's wilderness character. (Refer to section II. B. 5. d. for policy on gathering information about resources and section III. L. for specific policies on research.)

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9. **Buffer Zones and Adjacent Lands**

No buffer zones will be created around wilderness areas to protect them from the influence of activities on adjacent land. The fact that nonwilderness activities or uses can be seen or heard from areas within the wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

When activities on adjacent lands are proposed, the specific impacts on those activities upon the wilderness resource and upon public use of the wilderness area will be addressed in environmental assessments or environmental impact statements, as appropriate. Mitigation of impacts from outside wilderness will not be so restrictive as to preclude or seriously impede such activities.

10. **Visitor Information and Education**

Part of the wilderness experience valued by many visitors is the freedom from rules and regulations. Visitor education will be used to achieve management objectives where feasible. Only the minimum amount of regulation necessary to achieve desired objectives will be used.

To protect the natural appearance of wilderness areas, visitor informational and educational programs, signs, and poster boards will normally be located outside the wilderness boundary. An exception to this general rule is that informational or regulatory signs may be placed within wilderness areas as a management tool to correct specific problems and protect the wilderness resource or for the health and safety of visitors when these signs meet the "minimum tool" standard (see section II. B. 3.)

Informational and educational materials pertaining to the management of BLM-administered wilderness in general or to specific wilderness areas will be readily available to the wilderness user at BLM offices. Such materials will inform visitors of the responsibilities and risks involved in visiting a wilderness area.

11. **Administration**

a. **Wilderness Management Plans.** A wilderness management plan will be developed for each BLM-administered wilderness area as a means of applying the Wilderness Management Policy to that specific area. The plan will be tailored to the local conditions of each wilderness by prescribing any specific objectives appropriate to the area, consistent with the Wilderness Management Policy. Plans should consider the different kinds of environmental settings, history of use, and management situations pertaining to the individual wilderness area. The wilderness management plan will describe the strategy to be used to implement both the Wilderness Management Policy and the specific objectives prescribed for the area.

Management plans for individual wilderness areas should be flexible and must be updated periodically to reflect changes in conditions and use. New inventory data, use patterns, demand trends, supply conditions, management concerns, etc., may change over a period of time, and some goals and objectives applicable soon after a wilderness area is designated may not be appropriate further in the future. Managers should use the land management planning process to analyze all available options, so as to respond to changing conditions.

In developing wilderness management plans, the concept of stratification or zoning between wilderness areas or within individual areas should be considered as a means of achieving management objectives or providing different experiences and opportunities. For example, it may be desirable to manage one wilderness or a portion of an area within a wilderness primarily for protection of an endangered wildlife species. In another wilderness, managers may want to establish different zones of experience, providing recreational opportunities ranging from (1) high concentrations of use to (2) a series of more natural areas as one penetrates into the inner core, to (3) a pristine area which may have no trails or signs. Stratification or zoning can help the wilderness manager achieve objectives, protect resources, and satisfy user demands and expectations.

b. **Coordination.** When a wilderness area's boundaries overlap BLM administrative boundaries, management will be coordinated between District and State Offices to ensure uniformity in management practices.

When a wilderness area involves contiguous lands administered by BLM and by another Federal agency, the BLM will remain an active manager of lands under its administration, unless it has been determined that more effective wilderness management can be achieved by transferring the land to the other agency or by some form of cooperative management. State Directors have the option of approving cooperative management agreements with other Federal agencies on a case-by-case basis. Wherever appropriate, a joint management plan by all agencies involved will be encouraged.

Coordinated planning efforts will also involve State fish and wildlife agencies and all other Federal, State, county, and local agencies, Indian tribal governments, and organizations that may be affected by wilderness management activities.

c. **Wilderness Management Personnel.** Wilderness management personnel may be employed to help implement the provisions of a wilderness management plan. They can facilitate protecting the wilderness resource by assisting visitors with suggestions, advice, and information; enforcing regulations; performing minor trail repairs; and removing trash. Wilderness management personnel can reduce site-specific problems, such as the overuse of popular camp areas, by relocating camp sites and performing rehabilitation work. The manager may also use wilderness management personnel to gather information about resource trends and visitor use. The decision to employ wilderness management personnel should be made on a case-by-case basis. Their use may or may not be required, depending on local conditions. In cases where personnel are not employed specifically for wilderness management,

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the BLM will assign appropriate personnel as needed to monitor the condition of the wilderness resource.

Chapter III. Guidelines for Specific Activities

The guidelines in this chapter are an application of the policies set forth in Chapter II to various activities that may or may not take place in BLM-administered wilderness areas. These guidelines are also based on other applicable laws and on other policies and regulations of the Department of the Interior.

These guidelines will be used in developing a Wilderness Management Plan for each BLM-administered wilderness area, containing guidance on how specific activities will be treated in that area. Until such time as a Wilderness Management Plan is approved by the State Director, interim decisions on specific activities in a wilderness area will be made by BLM field officials based on these guidelines.

Decisions on any activities not addressed in these guidelines will be made on the basis of the policies in Chapter II.

III. A. Recreation and Visitor Use

Wilderness areas administered by the BLM shall provide a variety of uses including, but not limited to, recreational, scenic, scientific, educational, conservation, and historical.

The wilderness resource will be dominant in all management decisions where a choice must be made between preservation of wilderness character and visitor use. There are places and times within wilderness where unique values may require that recreation and visitor use activities be restricted or entirely prohibited in order to preserve an enduring resource of wilderness. The highest priority among various kinds of visitor use will be accorded those activities which (1) are most dependent upon the wilderness environment and cannot be reasonably accommodated outside of wilderness, (2) least affect the wilderness environment.

Consideration must be given to the ability of the wilderness resource to sustain visitor use without loss or degradation of the wilderness resource itself. Carrying capacity—social, biological, and physical—may vary widely within and between wilderness areas due to variations in types and amounts of uses, resource characteristics, and the capabilities of the resources to sustain different types and amounts of uses. The leading management tool and document to consider these factors and set guidelines for managing visitor use will be the Wilderness Management Plan. These plans will describe the level at which an area is able to absorb use and impacts and will describe measures needed to protect wilderness values.

The following specific guidance applies to visitor use within BLM wilderness:

1. **Visitor Management**

Visitor management techniques will be utilized in wilderness when necessary to preserve both the wilderness resource and the visitor's wilderness experience and opportunities. Management of visitor use will be the minimum necessary to provide for use of the area as wilderness, and to preserve the wilderness character of the area.

Visitor management should be planned to maintain a high-quality wilderness resource and to protect the quality of the wilderness experience. The Wilderness Management Plan will consider all appropriate and compatible methods to manage levels of use that are within the capacity of the wilderness. Visitor management may be carried out by both direct and indirect methods.

a. **Indirect Methods.** Visitor use may be managed through such indirect efforts as:

(1) Wilderness rangers informing visitors about less congested areas.

(2) Obliteration of improvements at overcrowded or undesirable sites.

(3) Improved access to tributary, lightly used areas.

(4) Information to (a) encourage use of lightly used or relatively unknown areas, or to (b) stress the experiences and value to be found outside the peak use period.

(5) Minimize the promotion of an outdoor experience in wilderness and emphasize such uses of undeveloped areas outside wilderness.

(6) Reroute primary transportation away from major destination areas. Have spur trails to vistas or camp areas.

(7) Design and management of trail-head areas, including access roads and parking areas.

(8) Education of visitors about good wilderness manners and ethics.

(9) Use of built-in frictions or obstacles, such as low-standard access roads.

(10) Removal of trail-head improvements and/or restriction of travel into areas already overused or where capacity use already occurs.

b. **Direct Methods.** More direct methods to achieve visitor management may include:

(1) Regulating the use of saddle horses and/or pack stock.

(2) Managing areas strictly for foot or horse use only, to protect sensitive sites and resources, or to provide different recreation opportunities or experiences within the wilderness.

(3) Requiring permits for specific areas or time periods. A permit or registration system can be an important tool for both the wilderness manager and wilderness visitor. Both systems provide visitor use data on the number and distribution of visitors. In addition, a permit or registration system can give the visitor site-specific information helpful in preplanning a trip. A permit system can be utilized also to limit or redistribute and disperse visitor use.

(4) Limiting the number of people in parties or the number permitted to stay overnight at specific locations.

(5) Limiting numbers of users. The Wilderness

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Management Plan will analyze needed methods and identify necessary measures.

(6) Stock grazing or canoe/boat-beaching restrictions, both private and commercial, on over-used or concentration areas.

2. **Improvements and Facilities**

Facilities and improvements such as trails, bridges, signs, and campsites, will be provided only where they are the minimum necessary for protection of the wilderness resource and for the health and safety of persons within the area. No facilities or improvements will be provided for the comfort and convenience of the visitor. The need for proposed facilities, such as latrines, fire circles, and fences will be justified in the Wilderness Management Plan. Improvements and facilities when approved will be constructed of materials which harmonize with the natural environment.

Existing improvements or facilities not specifically provided for in these guidelines—those having no historical value and not necessary for preservation of an area's wilderness character or for the health and safety of persons within the area—will be removed.

Construction, maintenance, and removal of facilities and improvements will be by primitive means. Exceptions to this policy, such as using handpowered portable tools and aircraft, may be approved by the State Director if no other alternatives exist, the mechanized or mechanical equipment is the minimum necessary, and they will not degrade or impair the area's wilderness character.

a. **Trail Systems**

(1) New trails will be constructed only if they are needed to preserve wilderness values and resources and they will not significantly degrade the degree of naturalness or solitude in the area. Trails are an acceptable improvement provided they are constructed and maintained so they have an insignificant impact on wilderness values. Wilderness management plans will address where trails and related facilities are appropriate.

(2) Existing trails and trail systems will be evaluated to determine if they are the minimum necessary to meet wilderness management objectives. Trails may be expanded, relocated, restored, or closed as a result of the evaluation. Wilderness Management Plans will address the present situation and evaluate future needs. Trailhead access points will be evaluated at this time. Trailhead locations should be carefully chosen as they have a profound influence over management of visitor use. It may be desirable to locate trailhead access points well outside the wilderness boundary to reduce their impact upon the wilderness area.

(3) Trail routes shall be selected to provide scenic vistas and, where possible, a varied scene. Heavily used areas should generally be served by spur trails and should be bypassed by primary trails. Trails will not be constructed with treads of more than 24 inches in width except where a wider trail is justified for protection of the wilderness resource. Trails should follow natural contours where possible and result in minimum disturbance to soil and ground cover.

(4) Bridges will be designed and constructed so as to harmonize with the environment and will be the minimum size and complexity necessary to allow foot or stock use. Besides adhering to the basic standards set out for improvements and facilities above, bridges will be provided only:

(a) When no other route or crossing is reasonably available.

(b) Where the crossing, during the primary season of public use:

—Cannot be safely negotiated on foot.

—Cannot be safely forded by horses.

(c) Where less formal devices are frequently destroyed or damaged by flood water.

b. **Signing**

Only a minimum of signs will be provided for the visitor, in combination with availability of accurate maps, route descriptions, brochures, etc. Signs will be provided primarily for visitor safety and resource protection. Signs will not be placed within the wilderness for the convenience of the user.

(1) Signs may be erected at trail junctions, showing directions with arrows.

(2) Informational or interpretive signs will not be used to mark streams, lakes, mountain peaks, passes, or points of interest.

(3) Regulatory signs will be kept to the minimum necessary, and may be of materials other than wood. When regulatory signs are posted within a wilderness, notice pertaining to these regulations will also be posted at trailheads or major access points and published where feasible on brochures or maps or othewise made available to the user prior to entry into the wilderness.

c. **Use of Campsites**

(1) Campsites or camping areas may be designated if necessary for the purpose of wilderness resource protection. They will be located sufficiently distant from lakes, streams, trails, or other natural attractions as to allow appropriate use without unacceptable degradation of the focal point of public interest. Space between sites should be sufficient to ensure a reasonable degree of solitude and quiet. A "no-trace" camping concept will be promoted.

(2) Shelters or lean-tos will not be constructed, and existing shelters will be removed from within wilderness. Shelters or lean-tos determined to have historical value may remain, and their protection and use will be addressed in the Wilderness Management Plan.

(3) Garbage pits will not be permitted, and existing garbage pits will be closed. A "pack-it-in, pack-it-out" philosophy will be encouraged with visitors. Every practicable medium will be used to educate and inform the visitor on this point.

(4) Improvised camp structures constructed by visitors will not be permitted. They will be dismantled and obliterated when and where found.

(5) Hitchracks or corrals and other improvements to facilitate stock use may be used as necessary to prevent damage to the wilderness resource. They will be located away from main-traveled trails, streams, lakes, camping areas, and focal points of in-

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terest, and will be constructed of materials which harmonize with the environment.

d. **Outfitter Camps**

The Wilderness Management Plan will carefully analyze the role of the outfitter-guide in a particular wilderness. Some wilderness areas may not be particularly suited to this kind of service due to size, shape, location, etc., or to the objectives for management of a particular wilderness. Also, the visitor-use capacity of the wilderness as well as public needs must be considered in making a decision to permit or not permit outfitter-guide services. If allowed, these services will be planned and administered to meet public needs while maintaining the wilderness resource. Operations will be so administered as to be harmonious with those of wilderness visitors who do not employ such services.

Outfitter-guide camps will be located off the primary trails or scenic spur trails and at sufficient distance from attractions to avoid conflicts with other visitors. The BLM will select the location of outfitter-guide campsites as necessary to protect wilderness resources and the wilderness experience of other visitors. Outfitter-guides will operate under special recreation permits, which will include stipulations for management of the use. The Wilderness Management Plan shall evaluate the need for temporary caches not involving erection of structures and shall designate their locations, if caches are to be approved.

3. **Fuelwood**

If campsites or cooking fires are permitted, fuelwood cutting should be limited to dead and down material. The use of portable cookstoves will be encouraged whenever possible. The Wilderness Management Plan will define any regulations or restrictions needed for wilderness resource protection.

4. **Contests**

Contests, such as physical or mental endurance of a person or animal; foot races; canoe or boat races; competitive trail rides; survival contests or exercises (including military); and other activities of this nature shall not be permitted in wilderness areas. These activities do not depend on a wilderness setting, and they cause impacts that degrade the wilderness character of the area, thus adversely affecting wilderness-dependent uses.

5. **Recreational or Hobby Mineral Collecting**

Recreational or hobby collecting of mineral specimens (rockhounding) will be allowed in wilderness. Such use will be limited to hand methods or detection equipment that does not cause surface disturbance, such as a metal detector or Geiger counter. In addition, methods shall not be permitted that in any way adversely affect or degrade the wilderness resource or the experiences of visitors in the area. (This paragraph does not cover mining claims, which are addressed in section III. I below.)

III. B. Cultural and Historic Resources

Archeological and historical sites and values are a unique and nonrenewable part of the wilderness resource. They are protected by provisions of the Uniform Rules and Regulations (43 CFR Part 3) to carry out the Antiquities Act of 1906, the Historic Sites Act of 1935, Executive Order 11593, the National Historic Preservation Act of 1966, as amended, and the Archeological Resources Protection Act of 1979. To the extent not inconsistent with the concept of wilderness preservation and the intent of the Wilderness Act, and objectives for cultural resource management, these resources are available for recreational, scenic, scientific, educational, conservation, and historical uses (including ceremonial or religious use by Native Americans).

Cultural resources, in most instances, will be subject to the forces of nature in the same manner as other wilderness resources. Study or management will not normally include any excavation, stabilization, or interpretation activities. Salvage, rehabilitation, stabilization, reconstruction, and restoration work on archeological and historic sites; excavation; and intensive inventories may be permitted on a case-by-case basis where the project will not degrade the overall wilderness character of the area and such activity is needed to preserve the particular resource. State Director approval is required for all such projects.

The National Historic Preservation Act and Executive Order 11593 require an inventory and evaluation of cultural resources. The evaluation study for National Register of Historic Places eligibility is made using criteria in 36 CFR 1202.6 and in consultation with the State Historic Preservation Officer (SHPO). Those cultural resources found to qualify are nominated to the National Register of Historic Places.

Those sites or structures that do not qualify for the National Register may be allowed to deteriorate naturally, or be removed or obliterated. However, some structures may qualify for retention as historic features or under the "minimum tool" policy (refer to section II. B. 3), or as facilities necessary for a use specifically permitted by the Wilderness Act or by the law designating the affected wilderness area.

Management direction for cultural resources that qualify for nomination to the National Register is subject to compliance with Section 106 of the National Historic Preservation Act and 36 CFR 800. A decision to remove, maintain, or allow historic or prehistoric structures to deteriorate naturally is a Federal undertaking which will affect the resources. In working through the compliance processes, a determination will be made as to what feasible and prudent alternatives exist to satisfactorily mitigate adverse effects of the proposed decision on the cultural resources. A Memorandum of Understanding will be developed with all consulting parties whenever an adverse effect determination is made (36 CFR 800). The range of alternatives might include recording to established standards (by drawings and photographs), salvage (by removing or dismantling), stabilizing, or restoration. Stabilization or restoration and subsequent maintenance may be considered for administrative struc-

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tures that meet the "minimum tool" policy (refer to secton II. B. 3).

III. C. Forestry Resources

1. **Cutting of Trees and Shrubs**

Management of the forest cover will be directed toward retaining the primeval character of the environment and allowing natural ecological processes to operate freely. Trees, shrubs, and other vegetative products will not be sold or cut for nonwilderness purposes except under specified conditions set forth in these guidelines for valid mining claims and under emergency conditions such as fire, insect, and disease control.

2. **Cutting of Trees for Administrative Purposes**

Trees may be cut for use in the construction and maintenance of authorized improvements that are located within the wilderness when the necessary material cannot be reasonably obtained or brought in from outside the wilderness. Such cutting within the wilderness shall be done away from trails or campsites, and all evidence of the cutting shall be disposed of insofar as possible.

3. **Cutting of Trees for Fuelwood**

(Refer to section III. A. 3., Fuelwood, for specific guidance.)

4. **Reforestation**

Reforestation, in the absence of natural revegetation, will generally be prohibited, but in rare cases may be authorized by the Director to prevent deterioration or loss of the wilderness resource when the cause of the damage or loss is due to human activities and there is no reasonable expectation of natural reforestation. The natural processes of ecological succession will be the preferred method of site-restoration. When reforestation action is necessary, only native species and only primitive methods, such as hand planting, will be used.

III. D. Fish and Wildlife

Management will seek a natural distribution, number, and interaction of indigenous species of fish and wildlife. Natural processes will be allowed to occur in wilderness ecosystems, which include fish and wildlife populations, as far as possible without human influences. Management will protect the conditions that allow natural processes a maximum degree of freedom.

To the extent possible, wildlife species in BLM wilderness should be allowed to maintain a natural balance with their habitat and with each other. Wildlife may be harvested under State regulations, fisheries management will be consistent with preservation of the area's wilderness character, and direct fish and wildlife control measures will be applied only upon a showing of need under standards described below.

The BLM, in cooperation with State and Federal public health and fish and game officials, may make special exceptions, where necessary to control disease epidemics or other health hazards in which wildlife species are involved as carriers.

The basic responsibilities of the BLM and other cooperating State and Federal agencies in the management of fish and wildlife are not altered by the Wilderness Act. However, the constraints of the Act and the intent of the Congress articulated in the Act and in subsequent legislation will guide the management of wildlife in wilderness. Memoranda of Understanding will be developed with appropriate State game and fish agencies to clarify wildlife management jurisdictions. Wilderness Management Plans will specify wildlife habitat conditions to be maintained. Development of management plans will fully involve all Federal, State, and local agencies and organizations in the formation of management direction.

The preservation of sensitive, rare, threatened, and endangered species dependent on wilderness conditions will be favored.

The killing of native birds and mammals which are a natural component of the biotic community, but are not provided protection by State or Federal law, will be discouraged or controlled if necessary through public education and Memoranda of Understanding with State game and fish agencies.

1. **Hunting and Fishing**

Hunting and fishing are permitted in BLM-administered wilderness, subject to applicable State and Federal laws and regulations. Coordination with State game and fish agencies for the management of resident wildlife and fish species will be sought in order to ensure maintenance of the wilderness resource. Specific management criteria may be cited in Memoranda of Understanding and the Wilderness Management Plan.

2. **Fish and Wildlife Habitat**

The proper balance of fish and game animals with their habitat may be achieved by managing public hunting and fishing. Objectives for the management of fish and wildlife habitat are normally compatible with the objectives for maintaining general wilderness character, or careful planning usually can make them so. Where incompatible, the requirements for maintenance of wilderness values will be overriding.

Vegetative manipulation projects for fish and wildlife purposes may be approved by the State Director on a project-by-project basis if they do not degrade wilderness character, or if they correct conditions which are a result of human influence, or if the project will promote the perpetuation of a threatened or endangered species.

Habitat manipulation by chemical or mechanical means may only be approved on a project-by-project basis where necessary for threatened or endangered species, or to correct unnatural conditions resulting from human influence. Such activities will be allowed only where manipulation would enhance the wilderness resource and where natural processes have been unsuccessful. Hand or aerial seeding of native

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vegetation species may be permitted after disturbances, such as wildfire, to restore essential food plants to a wilderness where the natural process of healing is not expected to occur. Actions of this type will be allowed only to enhance wilderness values and not to optimize habitat needs of any single wildlife species to the detriment of wildlife diversity in an untrammeled environment.

Wildfire or prescribed burning may be used as a wildlife management tool if carefully designed to maintain or enhance the wilderness resource. Wildfire or prescribed burning is to be used only when the project can be accomplished without serious or long-lasting damage to watershed or the area's wilderness character. Prescribed burning will not be permitted to improve wildlife utilization. It may be done only for the following purposes:

a. It is needed to maintain the natural condition of a fire-dependent ecosystem or to re-introduce fire where past strict wildfire control measures have interfered with natural ecological processes.

b. A primary value of a given wilderness will be sustained as a result of the burning.

c. It will promote the perpetuation of a threatened or endangered species.

Additional specific guidelines on prescribed burning appear in section III. E, Fire Management.

The BLM may authorize State and Federal agencies to use temporary enclosures and facilities to trap or transplant wildlife as long as they are the minimum necessary to protect or maintain the wilderness resource.

Although construction of facilities to enhance an area's value for wildlife or fish is not consistent with the free operation of natural processes, there are situations where such measures may be necessary for the continued existence or welfare of wildlife or fish living in wilderness. This is particularly true in the case of species adversely affected through human activities in such areas. Certain permanent installations to maintain conditions for wildlife and fish, upon consideration of their design, placement, duration, and use, may be permitted if the resulting change is compatible with preservation of wilderness character and is consistent with wilderness management objectives for the area, and if the installations are the minimum necessary to accomplish the task. Permissible actions under these criteria may include: installations to protect sources of water on which wildlife depend, such as enclosures; and water sources such as springs, wells, and guzzlers. Fisheries activities may be permitted as long as their purpose is to protect natural conditions, restore deteriorated habitat, and maintain wilderness values.

3. **Wildlife Manipulation**

In some instances, wildlife species once native to the wilderness have been forced from their original habitat by the encroachment of human beings and human activities. To the extent that these factors can be altered or managed within the intent of the Wilderness Act, native species no longer established in the wilderness area may be reintroduced and managed as a part of the wilderness resource. Care must be exercised to be certain that the species is native. Such programs will be addressed in the wilderness management plan.

Management of established exotic species (e.g., chukar partridge, pheasant) not natural to an area may continue where they enhance the wilderness character of a particular wilderness. Introduction of new exotics will not be permitted. Coordination with State and Federal agencies should be established for control of undesirable exotic populations.

4. **Fish Stocking**

Fish-stocking programs needed to meet wilderness management objectives shall be developed in cooperation with the State agencies or the Fish and Wildlife Service and shall be coordinated with overall wilderness management objectives. The probability of increased visitor use at stocked waters and the full impact and effect of such use on the wilderness resource will be recognized and considered.

Memoranda of Understanding with State agencies should be developed to establish a stocking policy for each wilderness where stocking is permitted, as a basis for a stocking plan. Basic decisions will be spelled out in the wilderness management plan for each wilderness. Aerial stocking of fish by State agencies or the Fish and Wildlife Service may continue where this was an established practice prior to designation. Authorization will be on a case-by-case basis. Aerial stocking should be done outside of general visitor use seasons when possible. Wilderness management plans should contain all necessary justification, mitigation, and definition of planting programs.

Some general guides for fish stocking in BLM wilderness units are:

a. Native species should be favored in waters with a history of supporting such species. Species native to the vicinity or region may be considered as an alternative. Exotic fish will not be considered, except where such practice existed prior to wilderness designation and it meets wilderness management objectives.

b. Waters with established undesirable fish or where overpopulations of fish have occurred should be managed for fish best suited to the water under natural conditions, and to meet wilderness management objectives. Barren waters may be stocked only if the wilderness management plan defines the desirability of such an action. The scientific value of barren lakes will be considered prior to approval to stock.

c. Presently nonstocked waters which at one time supported a native fish population, and which would provide suitable habitat for native fish species that would enhance the wilderness experience of visitors, may be considered for stocking on a case-by-case basis.

d. In all fish-stocking activities, threatened or endangered species shall receive primary consideration.

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5. **Trapping**

Trapping of furbearers, such as mink, marten, beaver, and muskrat, is a compatible wilderness use and will be allowed under State laws and regulations. Commercial trapping will not be permitted. Incidental trapping, if it is not the trapper's sole source of livelihood, is permitted.

6. **Rodents**

Rodents in BLM-administered wilderness areas shall be exempt from control programs, except where overpopulations pose a serious threat to other wilderness values or resources and property outside the boundaries of the wilderness. Control projects must be approved on a case-by-case basis.

7. **Predators**

Predacious animals are an important part of natural life systems within wilderness. They play an important role in the natural selection and survival processes, helping to maintain critical population balances of wild species. They should be able to survive and compete with other species, free from unregulated human interference and the traditional pursuit of sport or bounty. Where control of predators is necessary to protect threatened or endangered wildlife species or on a case-by-case basis to prevent special and serious losses of domestic livestock, it will be accomplished by methods which are directed at eliminating the offending individuals while at the same time presenting the least possible hazard to other animals or to wilderness visitors. Poison baits or cyanide guns are not compatible. Control programs will be carried out by or under the direction of the U.S. Fish and Wildlife Service (FWS), the BLM, or State agencies, and will be consistent with the Secretary of the Interior's policies on animal damage control and with the Memorandum of Understanding between the BLM and FWS. Programs will comply with BLM Animal Damage Control plans where these have been previously adopted. The State Director will approve predator-control programs on a case-by-case basis, and under such conditions as to ensure minimum disturbance to the wilderness resource and visitors.

Approval of predator control actions must be contingent upon a clear showing that the removal of the offending predators will not diminish the wilderness values of the area, because this kind of wildlife is an integral part of the wilderness, as well as an adjunct to the visitor's experience.

III. E. Fire, Insect, and Disease Management

1. **Fire Management**

a. **Overriding Fire Guidance**

All fires will be controlled to prevent loss of human life or property within wilderness areas or to prevent the spread of fire to areas outside of the wilderness where life, resources, or property may be threatened. Human-caused wildfires will be prevented and/or controlled unless the fire meets wilderness fire management objectives.

b. **Natural Fire**

Natural fire (i.e., lightning-caused) is normally a part of the ecology of the wilderness, and human efforts to ban this agent may have resulted in significant ecological changes in the flora and fauna of some areas. In order to return some wilderness ecosystems to a more natural state, it may be appropriate to allow natural fire to burn, but only in conformance with an approved Fire Management Plan and the overriding fire guidance in section (a) above.

c. **Prescribed Burning**

Where natural fire under prescription does not meet wilderness fire management objectives, prescribed burning with ignition by Bureau personnel may be allowed on a case-by-case basis for the following purposes:

(1) To reintroduce or maintain the natural condition of a fire-dependent ecosystem.

(2) To restore fire where past strict fire control measures had interfered with natural, ecological processes.

(3) Where a primary value of a given wilderness will be perpetuated as a result of the burning, or

(4) Where it will perpetuate a threatened or endangered species.

Prescribed fires will be allowed only in conformance with an approved Fire Management Plan. State Director approval is required.

d. **Removal of Evidence of Fire Control Activities**

Temporary fire camps, helispots, and other sites used for fire suppression or control activities shall be removed upon completion of use and the site rehabilitated to as natural a state as possible.

e. **Fire Detection**

Fire detection methods necessary to meet wilderness objectives will be used. Structures such as lookouts may be maintained or constructed if they are the minimum necessary to achieve wilderness management objectives and there is no other alternative detection method. Preference will be given to detection methods which have the least permanent impact on wilderness values, such as aircraft overflights and lookouts located outside the wilderness boundary.

f. **Pre-Suppression**

Pre-suppression activities may be allowed to meet wilderness management objectives and where necessary for the protection of the public health or safety. All pre-suppression programs will be addressed in the Fire Management Plan.

g. **Suppression**

Fire-suppression measures and techniques shall be used which achieve the wilderness management objectives with the minimum adverse impact on the wilderness resource. Preference shall be given to the methods and equipment which least alter the landscape or disturb the land surface. Structures and improvements shall be located outside the wilderness boundary, except those that are the minimum necessary to achieve wilderness management objectives.

h. **Fire Management Plans**

The following considerations will be covered in each Fire Management Plan: wilderness management objectives for the area, historic fire occurrence, natural role of fire, proposed degree of suppression, ex-

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pected fire behavior, acceptable suppression techniques, smoke management, and effects on adjacent landowners. The plan will conform to criteria established by the BLM defining the limits of acceptable fire weather, fire behavior, and fire effects. Each Fire Management Plan will be written to conform to the Wilderness Management Plan (WMP) for the area it addresses and will become an addendum to the WMP upon approval.

2. **Control of Insects and Diseases**

Insect and disease outbreaks will not be artificially controlled, unless it is necessary to protect timber or other valuable resources outside of the wilderness area, or in special instances when loss to resources within a wilderness is undesirable (e.g., absence of control would threaten rare or endangered plants or animals). Such control measures will consist of the effective combination of actions which have the least adverse impact on the wilderness resource.

Special care must be taken when using chemicals or other artificial methods to control insect and disease outbreaks because of their possible adverse effect on the total biological community.

Insect or disease suppression projects in BLM wilderness must be approved by the Director.

III. F. Water Resource Management

1. **Watershed Restoration**

Watershed restoration may be undertaken where deteriorated soil and hydrologic conditions caused by human beings or human influences create a serious threat or loss of wilderness values; or where, even though not human-caused, these conditions present a definite hazard to life or property, or where such conditions could cause serious depreciation of important environmental quality outside the wilderness. Where such dangers are not imminent or where natural vegetation may be expected to return in a reasonable time, restoration work will not be done.

Re-establishment of vegetation as a watershed-restoration measure, where there is no reasonable expectation of natural healing, will be accomplished using native or naturalized species. Overland motorized equipment will not be used where more primitive equipment can accomplish the restoration objectives. Exceptions must be fully justified, based upon serious imminent threat to high downstream values. Approval by the Director is required for all watershed restoration proposals.

2. **Water Improvements**

a. **Water-yield Improvements**

Protection of wilderness values and management objectives generally preclude use of water-yield improvement techniques. Water-yield improvement prescriptions, if contemplated, must be clearly compatible with maintenance of the wilderness resource. The Director's approval is required for project approval.

b. **New Water-Development Structures**

The establishment of new water-regulating structures, power installations, and related improvements is subject to approval by the President. (Range and wildlife water-development structures are discussed under separate subheadings and are not subject to Presidential approval.)

The BLM's conclusions and recommendations in connection with proposals for new water-resource developments will be based upon comprehensive, factual information developed by an environmental analysis, and draft and final environmental impact statements, as prescribed by the National Environmental Policy Act. The final environmental impact statement requires the Director's approval. Any recommendation in favor of the proposal must be based upon a clear showing that the public values to be gained exceed the values that would be lost, and that the need cannot be met outside the wilderness. When a proposed structure is thus found to be in the public interest, consideration should also be given to a recommendation to exclude the applicable area from wilderness.

c. **Existing Structures**

Reservoirs, ditches, catchments, and related facilities for the control or use of water may have existed within BLM wilderness under valid permits or other authority prior to the area's designation as wilderness. These may be maintained if they are needed in the public interest, or are a part of a valid existing right.

Routine maintenance and repair of an existing structure which does not change the location, size or type, or increase the original intended storage capacity of a reservoir may be approved by the State Director. The operation, maintenance and repair of such facilities may include occasional motorized access where no other reasonable or practical alternatives exist.

Reconstruction of any structure or restoration of a natural body of water to its original or historic level must be approved by the State Director. Primitive means of transport and hand tools will be used wherever and whenever feasible.

Any proposal to increase the storage capacity of a reservoir, or replace a reservoir, which was not under a valid permit at the time the unit was incorporated into the National Wilderness Preservation System, will be considered as a new structure and subject to approval by the President.

The wilderness management plan should carefully evaluate each improvement to determine if the continuation of the use is needed in the public interest, or is part of a valid existing right. Maintenance needs and methods must be specifically stated if the improvement is to remain. If not, the improvement should be allowed to deteriorate naturally. When natural processes themselves cannot effectively and safely return the abandoned improvement back to a natural condition, restoration by other means may be used. Only hand labor and tools, and seeding with native or naturalized species may be permitted. All restoration projects are subject to approval by the State Director.

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d. **Snow Measurement**

The measurement of snow within BLM wilderness is permitted under the following conditions:

(1) Measurement of snow will be accomplished by primitive means. If use of a helicopter was an established practice in measuring snow within an area prior to wilderness designation, that same use may be permitted. However, ways and means of eliminating the need will be explored.

(2) No new data sites can be established unless they are parts of projects approved by the President under provisions of Section 4(d)(4) of the Wilderness Act. Use of existing data sites may continue until adequate correlation can be established with data sites outside the wilderness. Installation of automated equipment (sensing devices, data collection platforms, etc.) may be permitted on a temporary basis at existing data sites to accelerate the development of correlations with data sites outside the wilderness. Access will be by primitive means except as specifically provided for in (1) above.

(3) Only miniaturized and unobtrusive types of equipment may be installed, and must be camouflaged to blend with the terrain as much as possible. Practices such as burying equipment and using antennae which can be removed during nonuse periods, will be used to minimize the visual impacts of the data site.

e. **Water Quality**

Maintaining or enhancing water quality is of high priority in management of the wilderness resource. Water quality monitoring instruments and hydrometeorological devices may be permitted if these are the minimum necessary for protection of the wilderness resource. All instruments and devices must be miniaturized and unobtrusive. No motorized vehicles will be permitted for installation, maintenance, or monitoring and surveillance.

f. **Weather Modification Over Wilderness**

Use of lands within the National Wilderness Preservation System as target areas for weather modification activities will not be approved unless the following conditions are met:

(1) The proponent can provide reasonable, scientifically supportable assurance that the activities will not produce permanent, substantial changes in natural conditions.

(2) The proposal does not include any feature that might reasonably be expected to produce conditions incompatible in appearance with the wilderness environment or reduce its value for recreation, scenic, scientific, education, conservation, or historical use.

The effects of weather modification activities may be permanent or temporary depending upon the type, duration, and degree of change in weather brought about by that activity.

Generally, short-term weather-modification activities, which will produce only occasional, incidental, temporary, or transitory changes in the weather with carryover effects on the ground lasting only a few days beyond the actual seeding period, can be permitted over wilderness because little or no permanent, identifiable ecological or physical impact is likely. Conversely, long-term weather modification programs, which will produce a repeated or prolonged change in the weather during any part of successive years, are likely to have a direct and often substantial impact in terms of ecological and physical effects. Even though the human contribution to these impacts on the ecology and physical conditions on the ground may be obscured by the fact that the activities are carried on outside or above the wilderness, they nevertheless can be recognized to be the result of human activities and therefore cannot be permitted where they will directly affect wilderness areas.

State Directors will gather necessary information relative to items 1 and 2 and make recommendations to the Director on any activity or application. The Director will approve activities or installations relative to weather modification affecting wilderness.

III. G. Air Quality

Under the Clean Air Act (as amended, 1977), BLM-administered lands were given Class II air quality classification, which allows moderate deterioration associated with moderate, well-controlled industrial and population growth. The BLM will manage designated wilderness areas as Class II unless they are reclassified by the State as a result of the procedures prescribed in the Clean Air Act (as amended, 1977).

According to the Clean Air Act, air quality reclassification is the prerogative of the States. The States must follow a process mandated by the Clean Air Act Amendments of 1977, involving a study of health, environmental, economic, social, and energy effects, a public hearing, and a report to the Environmental Protection Agency.

Administrative actions within wilderness areas will comply with the air quality classification for that specific area.

III. H. Rangeland Management

1. **Livestock Grazing Operations**

Section 4(d)(4)(2) of the Wilderness Act provides for continued livestock grazing where established prior to designating the area as wilderness. The objective of livestock management in wilderness is:

> Utilize the forage resource in conformity with established wilderness objectives for each area and the BLM grazing regulations (43 CFR 4100), and through practical, reasonable, and uniform application of the congressional guidelines and policy.

Further insight on the subject is in the Conference Report on S.2009 (House Report 96-1126) under the heading "Grazing in National Forest Wilderness Areas." These congressional guidelines and policy are to be considered in the overall context of the purposes and direction of the Wilderness Act and will be applied nationwide. They are reprinted here verbatim as an excerpt from House Report 96-1126:

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Grazing in National Forest Wilderness Areas

Section 4(d)(4)(2) of the Wilderness Act states: "the grazing of livestock, where established prior to the effective date of this Act, shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture."

The legislative history of this language is very clear in its intent that livestock grazing, and activities and the necessary facilities to support a livestock grazing program, will be permitted to continue in National Forest wilderness areas, when such grazing was established prior to classification of an area as wilderness.

Including those areas established in the Wilderness Act of 1964, Congress has designated some 188 areas, covering lands administered by the Forest Service, Fish and Wildlife Service, National Park Service and Bureau of Land Management as components of the National Wilderness Preservation System. A number of these areas contain active grazing programs, which are conducted pursuant to existing authorities. In all such cases, when enacting legislation classifying an area as wilderness, it has been the intent of the Congress, based on solid evidence developed by testimony at public hearings, that the practical language of the Wilderness Act would apply to grazing within wilderness areas administered by all Federal agencies, not just the Forest Service. In fact, special language appears in all wilderness legislation, the intent of which is to assure that the applicable provisions of the Wilderness Act, including Section 4(d)(4)(2), will apply to all wilderness areas, regardless of agency jurisdiction.

Further, during the 95th Congress, Congressional committees became increasingly disturbed that, despite the language of section 4(d)(4)(2) of the Wilderness Act and despite a history of nearly 15 years in addressing and providing guidance to the wilderness management agencies for development of wilderness management policies, National Forest administrative regulations and policies were acting to discourage grazing in wilderness, or unduly restricting on-the-ground activities necessary for proper grazing management. To address this problem, two House Committee on Interior and Insular Affairs Reports (95-620 and 95-1321) specifically provided guidance as to how section 4(d)(4)(2) of the Wilderness Act should be interpreted. This guidance appeared in these reports as follows:

> Section 4(d)(4)(2) of the Wilderness Act states that grazing in wilderness areas, if established prior to designation of the area as wilderness, "shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture". To clarify any lingering doubts, the committee wishes to stress that this language means that there shall be no curtailment of grazing permits or privileges in an area simply because it is designated as wilderness. As stated in the Forest Service regulations (36 CFR 293.7), grazing in wilderness areas ordinarily will be controlled under the general regulations governing grazing of livestock on National Forests....This includes the establishment of normal range allotments and allotment management plans. Furthermore, wilderness designation should not prevent the maintenance of existing fences or other livestock management improvements, nor the construction and maintenance of new fences or improvements which are consistent with allotment management plans and/or which are necessary for the protection of the range.

Despite the language of these two reports, RARE II hearings and field inspection trips in the 96th Congress have revealed that National Forest administrative policies on grazing in wilderness are subject to varying interpretations in the field, and are fraught with pronouncements that simply are not in accordance with Section 4(d)(4)(2) of the Wilderness Act. This had led to demands on the part of grazing permittees that section 4(d)(4)(2) of the Wilderness Act be amended to clarify the intentions of Congress. However, because of the great diversity of conditions under which grazing uses (including different classes of livestock) are managed on the public lands, the Conferees feel that the original broad language of the Wilderness Act is best left unchanged. Any attempts to draft specific statutory language covering grazing in the entire wilderness system (presently administered by four separate agencies in two different Departments) might prove to be unduly rigid in a specific area, and deprive the land management agencies of flexible opportunities to manage grazing in a creative and realistic site specific fashion.

Therefore, the conferees declined to amend section 4(d)(4)(2) of the Wilderness Act, agreeing instead to reaffirm the existing language and to include the following nationwide guidelines and specific statements of legislative policy. It is the intention of the conferees that the guidelines and policies be considered in the overall context of the purposes and direction of the Wilderness Act of 1964 and this Act, and that they be promptly, fully, and diligently implemented and made available to Forest Service personnel at all levels and to all holders of permits for grazing in National Forest Wilderness areas:

1. There shall be no curtailments of grazing in wilderness areas simply because an area is, or has been designated as wilderness, nor should wilderness designations be used as an excuse by administrators to slowly "phase out" grazing. Any adjustments in the numbers of livestock permitted to graze in wilderness areas should be made as a result of revisions in the normal grazing and land management planning and policy setting process, giving consideration to legal mandates, range condition, and the protection of the range resource from deterioration.

It is anticipated that the numbers of livestock permitted to graze in wilderness would remain at the approximate levels existing at the time an area enters the wilderness system. If land management plans reveal conclusively that increased livestock numbers or animal unit months (AUMs) could be made available with no adverse impact on wilderness values such as plant communities, primitive recreation, and wildlife populations or habitat, some increases in AUMs may be permissible. This is not to imply, however, that wilderness lends itself to AUM or livestock increases and construction of substantial new facilities that might be appropriate for intensive grazing management in non-wilderness areas.

2. The maintenance of supporting facilities, existing in an area prior to its classification as wilderness (including fences, line cabins, water wells and lines, stock tanks, etc.), is permissible in wilderness.

Where practical alternatives do not exist, maintenance or other activities may be accomplished through the occasional use of motorized equipment. This may include, for example, the use of backhoes to maintain stock ponds, pickup trucks for major fence repairs, or specialized equipment to repair stock watering facilities. Such occasional use of motorized equipment should be expressly authorized in the grazing permits for the area involved. The use of motorized equipment should be based on a rule of practical necessity and reasonableness. For example, motorized equipment need not be allowed for the placement of small quantities of salt or other activities where such activities can reasonably and practically be accomplished on horseback or foot. On the other hand, it may be appropriate to permit

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the occasional use of motorized equipment to haul large quantities of salt to distribution points. Moreover, under the rule of reasonableness, occasional use of motorized equipment should be permitted where practical alternatives are not available and such use would not have a significant adverse impact on the natural environment. Such motorized equipment uses will normally only be permitted to those portions of a wilderness area where they had occurred prior to the area's designation as wilderness or are established by prior agreement.

3. The replacement or reconstruction of deteriorated facilities or improvements should not be required to be accomplished using "natural materials", unless the material and labor costs of using natural materials are such that their use would not impose unreasonable additional costs on grazing permittees.

4. The construction of new improvements or replacement of deteriorated facilities in wilderness is permissible if in accordance with those guidelines and management plans governing the area involved. However, the construction of new improvements should be primarily for the purpose of resource protection and the more effective management of these resources rather than to accommodate increased numbers of livestock.

5. The use of motorized equipment for emergency purposes such as rescuing sick animals or the placement of feed in emergency situations is also permissible. This privilege is to be exercised only in true emergencies, and should not be abused by permittees.

In summary, subject to the conditions and policies outlined above, the general rule of thumb on grazing management in wilderness should be that activities or facilities established prior to the date of an area's designation as wilderness should be allowed to remain in place and may be replaced when necessary for the permittee to properly administer the grazing program. Thus, if livestock grazing activities and facilities were established in an area at the time Congress determined that the area was suitable for wilderness and placed the specific area in the wilderness system, they should be allowed to continue. With respect to areas designated as wilderness prior to the date of this Act, these guidelines shall not be considered as a direction to re-establish uses where such uses have been discontinued.

It is also the understanding of the conferees that the authorizing Committees intend to closely monitor the implementation of the guidelines through subsequent oversight hearings to insure that the spirit, as well as the letter, of the guidelines are adhered to by the Forest Service. Of course, the inclusion of these guidelines in this Joint Statement of Managers does not preclude the Congress from dealing with the issue of grazing in wilderness areas statutorily in the future.

This concludes the excerpt from House Report 96-1126.

a. **Management Plans**

The above congressional guidelines and policies will be applied in accordance with the environmental analysis process. Management prescriptions will be determined through the BLM resource management planning process and implemented by the allotment management plan.

Planning for livestock grazing operations in designated wilderness will be through the normal BLM resource management planning processes.

(1) Resource management plans establish:

(a) Objectives and prescriptions for management of wilderness. These are based on resource inventory data which includes, but is not limited to, ecosystem identification, rangeland conditions, existing uses, and areas of existing or potential conflict.

(b) Use levels of the rangeland resource and its relationship with other uses.

(2) Allotment management plans, within the direction established by the resource management plan, prescribe:

(a) The manner and extent to which livestock grazing will be conducted to meet wilderness objectives, rangeland resource needs, desired conditions of ecosystems, and other resource values.

(b) Direction and scheduling for accomplishing goals and objectives on individual allotments, including the development of rangeland improvement schedules and grazing system to be followed.

b. **Permits.**

Grazing operations within wilderness areas will be authorized by grazing permits. Permits for livestock operations will be issued only in areas where grazing was established at the time the wilderness was designated.

c. **Rangeland Analysis**

(1) Rangeland analysis in wilderness areas will follow the normal BLM standards.

(2) The development of the allotment management plan will determine the need for and standards of rangeland improvements and will prescribe the grazing system to be followed.

Where an approved allotment management plan exists at the time an area is designated as wilderness, it will be reviewed in context with the congressional guidelines and policy. Necessary modification will be integrated into the resource management plan and the allotment management plan.

Allotment management plans for allotments partially or entirely within designated wilderness will specifically identify the following:

(a) The use of motor vehicles, motorized equipment or other forms of mechanical equipment including: specific equipment, where it is to be used, when it is to be used, and what it is to be used for.

(b) Rangeland improvement structures and installations to be maintained, constructed, or reconstructed in achieving rangeland management objectives, including maintenance standards.

(c) The means to handle emergencies. In bonafide emergencies or urgent situations, decisions will be based on consideration of all relevant factors and use of good judgment.

d. **Rangeland Improvements.**

The following criteria should be considered in determining the use of motor vehicles, motorized equipment or mechanical transport in constructing, maintaining or applying rangeland improvements and practices.

(1) Minimizing threat to or loss of property.

(2) Minimum use of motorized equipment within wilderness.

(3) Develop and manage the rangeland resource in a cost-effective manner.

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(4) Achieve least amount of impact by nonconforming uses on wilderness values through:

(a) Scheduling during periods of low use.

(b) Harmonizing improvements to surrounding landscape.

(c) Locate improvements to achieve maximum screening and fully utilize natural feature opportunities.

(5) Type of practice or construction material.

(6) Timeliness, including frequency and time of year.

(7) Need to deal with emergency or urgent situations that develop through acts of nature, such as drought, heavy snow.

(8) Location of nearest ranch facilities in relation to the project.

(9) Availability of primitive transport, e.g., team and wagon, saddle and pack stock, etc.

(10) Length of time to complete a project by alternative methods.

(11) Availability of temporary camp and feed sites.

(12) Age and health factors of permittee.

Documentation of the environmental analysis which considers the authorization of rangeland improvement construction and/or maintenance, and the use of motor vehicles, motorized equipment, and mechanical transport shall be made in an environmental assessment.

e. **Structural Rangeland Improvements**

Rangeland improvement alternatives will be developed and evaluated through the environmental analysis process, including consultation with grazing permittees and other interested publics. Alternatives which utilize a practical and reasonable approach to meet rangeland and wilderness management objectives will be selected.

Permit modifications for the construction of new rangeland improvements or replacement of existing rangeland improvements will be made in accordance with BLM grazing regulations. Special consideration will be given to construction standards and techniques to achieve the most practical and reasonable approach considering the wilderness resource. Specific consideration will be given to:

- Costs of using natural materials.
- Alternative means of construction which harmonize to the extent possible with the wilderness resource.
- Use of motor vehicles, motorized equipment or mechanical transport needed for construction of improvements.

All rangeland improvements will be listed in the allotment management plan along with maintenance schedules.

(1) **Maintenance.**

The maintenance of existing necessary rangeland improvements may be allowed to continue. Those determined unnecessary through an environmental analysis will be phased out and removed on an agreed upon schedule.

The techniques by which maintenance of rangeland improvements and other related grazing activities are performed will require careful study, consideration of options, and a practical and reasonable solution. Existing use and requests for new use of motor vehicles, motorized equipment or other forms of mechanical transport, including emergencies, will be reviewed and congressional grazing guidelines applied. The occasional use of motor vehicles, motorized equipment or mechanical transport may be permitted where practical alternatives are not available.

The guidelines address occasional use of motor vehicles, motorized equipment, or mechanical transport where practical alternatives do not exist, with application only to those portions of a wilderness where they occurred prior to wilderness designation. It is important to look at all options and their impacts. Good judgment will be necessary in the decisionmaking process.

(2) **New Improvements.**

The construction of new rangeland improvements is permissible if determined to be necessary for the purpose of resource protection (rangeland and/or wilderness) and the effective management of these resources, rather than to accommodate increased numbers of livestock. The rangeland analysis may indicate that a reduction of use is necessary for rangeland protection, or new rangeland improvements are necessary for improved management or protection of wilderness values. New improvements will not be justified solely on the basis that they will aid intensive management resulting in increased grazing.

(3) **Types of Materials.**

When permitted, new or existing improvements should be of materials which harmonize with the wilderness character of the area to reduce the impact of artificial objects on the natural environment. Natural (native) materials for improvements will be used unless costs are unreasonable or they do not harmonize with the wilderness.

When replacement of an existing range improvement is contemplated, the following will be considered:

(a) The necessity of the rangeland improvement for livestock grazing operations, resource protection, or enhancement of wilderness values. Some improvements may no longer be needed or should be relocated. Existing rangeland improvements may be necessary for management of the rangeland and wilderness resources. Other alternatives for meeting needs will be explored.

(d) Design, location, and type of materials feasible to serve the purpose and yet be harmonious with natural features of the wilderness will be considered. A steel post and wire fence may be less obtrusive than native pole fence. A redwood water trough may be less noticeable than a steel one. A windmill may better harmonize with wilderness values than an earthen stock pond.

(c) Material and labor costs for natural materials vs. artificial materials. Good judgment, in

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consultation with permittees, will provide the basis for determining what is reasonable for the permittee's livestock grazing operation and the particular wilderness values involved.

f. **Non-Structural Rangeland Improvements**

Non-structural rangeland improvement practices can be approved where they were part of the management at the time the wilderness was established and where their continuance is necessary to maintain livestock grazing operations. The need for non-structural rangeland improvements and practices will be carefully analyzed using the following criteria:

(1) **Seeding.**

The need for seeding will be carefully analyzed. Seeding will be approved only for:

(a) Areas where human activities have caused the loss or threaten the existence of indigenous species.

(b) Areas where human activities have denuded or caused loss of soil, providing the actions or activities responsible for the deterioration have been corrected and natural vegetation is insufficient and ineffective.

(c) Maintenance of livestock grazing operations where seeding was practiced prior to the designation of wilderness. Species seeded will be those that are native or naturalized to the area. Seed will be broadcast, except in special situations where other seeding methods are necessary.

(2) **Plant Control.**

Plant control will be approved only for:

(a) Native plants when needed to maintain livestock grazing operations where practiced prior to the designation of wilderness.

(b) Noxious farm weeds by grubbing or with chemicals when they threaten lands outside wilderness or are spreading within the wilderness, provided the control can be effected without serious adverse impacts on wilderness values.

(3) **Irrigation.**

Artificial irrigation or water spreading will be done only to maintain livestock grazing operations where practiced prior to the designation of wilderness.

(4) **Fertilizing.**

Fertilization may be used only as an aid to revegetation of disturbed areas approved in item (1) or to maintan livestock grazing operations where practiced prior to the designation of wilderness. Liming will be considered a fertilization practice.

(5) **Prescribed Burning.**

Prescribed burning will be approved for rangeland management purposes only where it was practiced prior to the designation of wilderness and is necessary to achieve maintenance of livestock grazing operations; such use must be approved in a fire management plan. (Prescribed burning may be permitted for other purposes, under guidelines in section III. D. 2. and III. E. 1 of this document, such as in cases where reestablishment of natural fire regimes is desired. Rangeland management objectives may be achieved through such prescribed burns and through management of natural fire as prescribed in fire management plans.)

2. **Recreational Livestock**

Commercial recreational livestock, such as that used by packers and outfitters, will be grazed under permit. Noncommercial recreational livestock may also be subject to permit when necessary for the administration or protection of the wilderness. All recreational livestock users, including commercial outfitters, will be required to pack in feed for their domestic animals when it is determined that adequate forage is not available within the area to be visited. The Wilderness Management Plan will analyze the need for regulations or restrictions relating to recreational saddle and pack stock; including, but not limited to, hobbling rather than tethering of horses, restrictive zoning, horse-party size limits, and use of native feed or pellets.

3. **Wild Horses and Burros**

The Wild Free-Roaming Horse and Burro Act of 1971 declares that wild horses and burros "...are to be considered in the area where presently found, as an integral part of the natural system of the public lands."

Viable, healthy populations of wild horses and burros will be maintained in wilderness areas at levels determined appropriate by the BLM planning system. Herd numbers and management techniques will not degrade, and will be compatible with preservation of, the area's wilderness character.

Herd Management Area Plans (HMAP's) will be developed in wilderness areas containing wild horses or burros. The plans will detail the present condition and potential of the herd and herd management area. The plans will describe management actions required to meet the wilderness objectives as well as the herd needs. The HMAP's will establish the habitat requirements and any necessary improvements; herd structure (sex and age ratios, etc.); methods of population manipulation and control (including removal, if necessary); migratory habits; and projections of population changes over time. Monitoring studies for the herd and its habitat will be an integral part of the plan. The HMAP's will describe the physical improvements necessary for maintenance of healthy, viable herds and their habitat.

Use of motorized and mechanical equipment, including aircraft; use, maintenance and type of material, and equipment such as temporary corrals; and the location, frequency, and timing of such uses will be specified in HMAP's and wilderness management plans. Such uses will be allowed when no other alternatives exist, they are the minimum necessary to accomplish the task, and they are the least [illegible] of wilderness values temporarily or permanently. Use of these facilities and equipment requires State Director approval.

Environmental assessments will analyze the impacts of the management prescribed by the HMAP's, and alternatives and mitigating measures to minimize those impacts upon the wilderness resource.

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III. I. Minerals Management

1. Mining Law Administration

The Wilderness Act of 1964 provides the basis for the minerals management policy to be followed in approving minerals exploration and development in designated wilderness areas. The Act recognizes the rights of the mining claimant under the mining laws and provides for prospecting and mining in wilderness while providing for protection of the wilderness resource. Under the Wilderness Act, the mining laws shall, to the same extent as applicable prior to the designation of an area as wilderness, apply until midnight December 31, 1983. Thereafter, subject to valid rights then existing, the lands are withdrawn from all forms of appropriation under the mining laws. Therefore, BLM's policy on mining operations on unpatented mining claims will comprise two categories: those operations occurring on or before midnight December 31, 1983, and those operations occurring after midnight December 31, 1983, which may proceed because they qualify as valid existing rights as of that date.

a. **Plans of Operations**

(1) Whether or not the operations occur before or after midnight December 31, 1983, an approved plan of operations called for by 43 CFR 3809 is required in all BLM-administered wilderness areas. The plan of operations will include all access, functions, work, facilities, and activities in connection with prospecting, development, extraction, and processing of mineral deposits and all other uses related to these activities whether on or off a mining claim. All BLM officials involved must ensure that provisions approved in operating plans protect the rights of the operator while minimizing the impact on the wilderness resource. Operators must be allowed to carry out operations that are necessary and reasonably incidental to the mining operation, but may not, in any circumstance, cause unnecessary or undue degradation. District Managers may call for the expertise of all necessary specialists to ensure that both the wilderness and the rights of the operator are adequately and properly served.

Before approving the plan the BLM may assist the operator in selecting the most appropriate means and type of access and access route. The final approved access must be that which creates the least lasting impact on the wilderness resource, while still reasonably serving the needs of the operator.

Those activities otherwise generally prohibited in wilderness, including the use of mechanical transport, motorized equipment, or aircraft, shall be authorized only when there is no reasonable alternative. An approved operating plan will serve as authorization for such otherwise prohibited activities on mining claims within wilderness.

Casual use permissible in wilderness areas consists of operations resulting in only negligible disturbance to wilderness resources and not involving the use of mechanical or motorized equipment, landing of aircraft, or explosives. Examples of casual use would be: access by foot or horseback, or overflights to conduct magnetic surveys. Flights used to transport equipment or personnel into and out of the wilderness will not be considered as casual use. An approved plan of operations is not required for casual use.

(2) Contents of a plan of operations and plan approval procedures shall comply with the 43 CFR 3809 regulations. The following criteria shall also be satisfied:

(a) **Operations Prior to Midnight December 31, 1983.**

Until this deadline, lands within wilderness areas are open to appropriation under the mining laws to the same extent as before wilderness designation. In other words, claim staking, prospecting, exploration, development, and patenting may occur. Before approving operations submitted in a plan of operations during this time, the District Manager shall be satisfied that:

i. There will be no unnecessary or undue degradation of wilderness character.

ii. If mechanical or motorized equipment, including helicopter and fixed wing aircraft (beyond casual use), will be used, there is no reasonable alternative.

iii. The reclamation measures included in the plan of operations are adequate to provide for resotration as near as practicable of the surface of the land disturbed.

Any disapproval or denial of a plan of operations by the authorized officer is subject to appeal by the operator under the provisions of 43 CFR 3809.4.

(b) **Operations After December 31, 1983**

Development work, extraction, and patenting will be allowed to continue after midnight December 31, 1983, only on valid claims located on or before that date. After that date, prospecting and exploration work under the mining laws will not be allowed, as the right to continue those kinds of operations terminated on midnight December 31, 1983.

Prior to approving plans submitted after December 31, 1983, for operations on claims, or allowing operations to continue that had been approved prior to midnight December 31, 1983, the District Manager shall cause an examination of the unpatented claim(s) by a BLM minerals examiner to verify whether or not a valid claim exists. Operations on producing mines will be allowed to continue pending determination of valid existing rights. The minerals examination and subsequent minerals report must confirm that as of midnight December 31, 1983, minerals had been found and the evidence is of such a character that a person of ordinary prudence would be justified in the further expenditure of his labor and means, with a reasonable prospect of success in developing a valuable mine. Any disapproval or denial of a plan of operations by the authorized officer is subject to appeal by the operator under the provisions of 43 CFR 3809.4.

Before approving a plan of operations applicable after December 31, 1983, the District Manager shall be satisfied that:

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i. There will be no unnecessary or undue degradation of wilderness character.

ii. If mechanical or motorized equipment, including helicopter and fixed wing aircraft (beyond casual use), will be used, there is no reasonable alternative.

iii. The reclamation measures included in the plan of operations are adequate to provide for restoration as near as practicable of the surface of the land disturbed.

(c) **Timber**—Timber determined necessary for removal to facilitate mining activities will be cut following principles of sound forest management and in such a manner as to minimize lasting evidence of its removal. Individual trees will be carefully selected so as not to make obvious artificial openings. Stumps will be cut as close to the ground as practical.

(d) **Fire**—The operator will be required to keep spark arresters and fire extinguishers on all internal combustion engines during periods of fire danger. The operator will generally be required to maintain caches of handtools in sufficient quantities to equip those personnel expected to be on the operation. The operator and his personnel will be expected to take initial action on any fire in the vicinity of the operation.

Slash and other flammable debris will generally require complete disposal to reduce fire hazard, prevent insect buildup, and more rapidly reduce evidence of the timber cutting. If burning is performed it will be in accordance with a prescribed burn plan that establishes fire and resource management objectives. Burning will be performed at a time approved by the BLM District Manager.

(e) **Site Reclamation**—The reclamation of the site and other disturbed areas will vary with the location, type of soil erosion hazard, type of vegetative cover, and type and extent of disturbance. As a minimum, all sites will be treated in such a manner that they will not cause accelerated erosion, siltation of streams, a hazard to wilderness visitors, or unnecessary or undue degradation of the land. Also, as a minimum, all excavations with vertical cuts in soil will be sloped to a stable angle of repose. Generally, hand-dug pits or shafts with the excavated material still at hand will be refilled. Here, as with timber cutting, the main objective will be to minimize remaining evidence of human activities. It may not be practical to return an area to its original contour, but it will generally be entirely reasonable to return it to a contour which might appear to be natural. An effort will be made when practical and reasonable to put topsoil equal in quality to that which was removed over disturbed soil surfaces to promote natural revegetation or to aid in seeding. Where native seed is available and its use is reasonable, disturbed areas will be seeded to native plant species provided the area originally supported such vegetation.

(f) **Structures and Improvements**—Plans of operations shall identify all structures and improvements planned as an adjunct to the operation. The plan will also show the ultimate disposition of the improvements and when this will occur. The objective will be to ensure the removal of all works or improvements when they are no longer needed for the prospect or future mining.

(g) **Unnecessary or Undue Degradation**—A plan of operations shall include measures to be taken to prevent unnecessary or undue degradation of the area resulting from the proposed operation. This may require measures to prevent water pollution through contamination or siltation of streams while the operation is in progress and to leave the site in such a condition that a vegetative cover can be reestablished when the operation is abandoned. Such measures may include trenching of disturbed slopes, placing retaining walls to prevent tailings from entering stream channels, etc. It may also require the scalping and stockpiling of the topsoil or sod from the area to be disturbed so that it might be spread over the surface to aid in reestablishing vegetation. Air and noise pollution are also critical elements. Plans shall identify mitigating measures to minimize noise and air pollution.

b. **Performance Bond**

No bond shall be required for operations considered as casual use. A bond may be required for any operator who conducts operations under an approved plan of operations. The primary purpose for a bond is to ensure compliance with the plan of operations. Requirement for posting a bond is at the discretion of the authorized officer.

c. **Environmental Assessment**

Operating plans for prospecting and mining activities will normally involve surface disturbance of the wilderness resource and will require an environmental assessment which considers the impact of the proposed operation on the lands and all feasible alternatives for complying with the rights of the claimant. Upon completion of the analysis, the District Manager will determine if no environmental impact statement is needed. The State Director's approval is required for preparation of an environmental impact statement.

2. **Mineral Leasing**

Section 4(d)(3) of the Wilderness Act of 1964 prescribes that mineral exploration and development will continue in designated wilderness areas by stating "until midnight December 31, 1983, the United States mining laws and all laws pertaining to mineral leasing shall, to the same extent as applicable prior to the effective date of this Act, extend to those ... lands designated by this Act as 'wilderness areas'".

Designation of an area as wilderness may not be the basis for denying a mineral lease, permit, or license. Mineral leasing applications will be evaluated through the environmental assessment process. A State Director's determination to deny an application must be based upon background data and facts of record indicating the public interest would be better served by the rejection so as to protect other resource values. Wilderness character may be taken into account when making mineral leasing decisions, but leases or permits may not be denied solely on the basis of a desire to protect wilderness character. Leases, permits, or licenses issued after an area is designated as wilderness and prior to midnight December 31,

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1983, must contain reasonable stipulations for the protection of the wilderness character of the land consistent with the use of the lands for the purposes for which they are leased, permitted, or licensed.

Mineral leases, permits, or licenses confer certain rights upon individuals to conduct certain activities upon the public lands. Regulations imposed on existing lessees, permittees, or licensees must be reasonable and consistent with the continued use of the lands for the purposes for which the leases, permits or licenses were issued.

Geothermal leasing is within the scope of the "laws pertaining to mineral leasing" in section 4(d)(3) of the Wilderness Act. Designated wilderness areas will remain available for geothermal leasing to the same extent they were at the time of designation, and the above guidelines on mineral leasing will apply.

3. **Mineral Patents**

A patent conveying both surface and mineral rights may be issued on a valid claim located *prior* to the date the area was included as a part of the National Wilderness Preservation System and prior to midnight December 31, 1983.

Mining locations shall be held and used solely for mining. For a valid claim located *after* the date an area is established as wilderness and prior to midnight December 31, 1983, the patent conveys title to mineral rights only. The patentee may cut and use so much of the mature timber from the claim as may be needed in the extraction, removal, and beneficiation of the mineral deposits, if the timber is not otherwise reasonably available. All timber shall be cut under sound principles of forest management. All surface rights are reserved to the United States. Except as specifically provided in the Wilderness Act or the act designating the area as wilderness, no use of the surface of the claim or its resources not reasonably required for carrying on mining or prospecting shall be allowed.

No patent shall issue after December 31, 1983, except for the valid claims existing on or before midnight December 31, 1983.

Once a claim has been patented it becomes private land or interest in lands. Access will then not be governed by a plan of operations, but under the policy in section III. B. 5. j.

4. **Common Varieties of Mineral Materials**

Permits to remove such materials will not be issued.

5. **Paleontological Resources**

To the extent not inconsistent with the concept of wilderness preservation and the intent of the Wilderness Act, paleontological resources are available for recreational, scenic, scientific, educational, conservation, and historical uses. Paleontological resources, in most instances, will be subject to the forces of nature in the same manner as other wilderness resources. Study or management will not normally include any excavation, stabilization, or interpretation activities. Salvage of paleontological sites, excavation, and collection of artifacts may be permitted on a case-by-case basis where the project will not degrade the overall wilderness character of the area and such activity is needed to preserve the particular resource. State Director approval is required for all such projects.

III. J. Administrative Structures and Facilities

1. **Administrative Sites**

Existing administrative sites will be limited to the existing structures or their replacement with similar structures of compatible design provided their continued use is necessary to meet minimum requirements for the administration of the area. Tents will usually be used to supplement housing and kitchen demands brought about by special projects and expanding workloads. As maintenance becomes impractical, first consideration will be given to eliminating the site. Replacement of facilities will require the Director's approval. The Wilderness Management Plan will address the need for existing sites. No new sites will be planned unless they are the minimum necessary for management of the area as wilderness.

2. **Fences**

Corrals and fences for the control of administrative pack and saddle stock may be built only at administrative sites where the animals are regularly used for periods of more than a few days' duration. New permanent fences shall be constructed of materials compatible with the particular wilderness. The Wilderness Management Plan will consider the need for, location of, and material to be used in administrative fence construction.

3. **Trails**

Trails for administrative purposes may be constructed when they are the minimum necessary for the preservation of the wilderness resource and have been authorized in the Wilderness Management Plan. (Trails and associated structures for visitor use are discussed as part of the specific guidance under Recreation and Visitor Use, section III. A. of this document.)

4. **Airfields**

New airfields, including emergency airstrips, shall not be located in BLM-administered wilderness. The Wilderness Management Plan shall review existing airstrips and determine whether or not to permit the continued use of existing airfields. Such use will be monitored on a regular basis to determine if its continuation is appropriate. Use may be restricted when necessary to protect wilderness resources, such as wildlife values during nesting season. If use is approved, maintenance will generally be by primitive, non-motorized equipment only.

5. **Heliports and Helispots**

a. **Heliports**

Heliports may be constructed and maintained at existing administrative sites where they are the minimum necessary for wilderness purposes. Complete justification for continuing heliports or constructing new ones will be required. Unless otherwise approved by the Director, other heliports shall not be located within wilderness areas. The Wilderness Management

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Plan will fully evaluate the need for heliports. Only those heliports considered the minimum necessary for wilderness resource management will be continued.

b. **Helispots**

State Directors may approve construction of individual helispots or systems of helispots when they are the minimum necessary for administration or protection of the area as wilderness. The Wilderness Management Plan will fully evaluate helispot needs. Except for emergencies, helispot construction is prohibited if not specifically identified in the Wilderness Management Plan.

6. **Communication Facilities**

Communication facilities will be constructed and maintained only when they are the minimum necessary for administration and protection of the area as wilderness. The Wilderness Management Plan will fully evaluate the need for existing and proposed sites and their maintenance. Facilities should blend with the natural environment.

7. **Structures and Facilities Constructed, Used or Proposed by Other Agencies**

Other agencies conducting activities within BLM wilderness shall be equally constrained by provisions of the Wilderness Act that are applicable to the BLM. These guidelines will apply:

a. Authorized structures, installations, or facilities used by other agencies shall be reviewed periodically to determine whether their continued existence is essential for meeting the minimum requirements for administration of the area as wilderness. If it is not, the authorization shall be terminated and the improvement removed. The Wilderness Management Plan will assess and determine the disposition of all such improvements.

b. When existing improvements deteriorate to the point that normal maintenance will not suffice to keep them usable, the necessity for such improvements shall be critically analyzed. If they are not essential to meet the minimum requirements of administration of the wilderness, or essential to a continuing program that was established on the basis of the structure, they shall not be replaced. Permits for new improvements or replacement of existing improvements must be approved by the Director.

c. The maintenance or replacement of existing signs, instruments, and other improvements of a minor nature, used in connection with such projects as snow surveys, water measurement, game and fish management, and geological studies may be approved by the State Director. New installations may be approved if they are essential to meet the minimum requirements for administration of the wilderness for the purposes of the Wilderness Act.

III. K. Use of Motorized and Mechanical Equipment

Travel within a BLM-administered wilderness will normally be by non-motorized, non-mechanical means consistent with the preservation of wilderness character.

The wilderness management plan will specify the instances and places in which administrative use of mechanized equipment, mechanical transport, or aircraft is the minimum necessary to protect and administer the wilderness resource or is necessary as part of a nonconforming, but accepted, use. Where approved, that equipment which is the minimum necessary to accomplish the task with the least lasting and damaging impact on the wilderness resource will be selected. Such motorized and mechanical equipment use will be scheduled at times and locations which will have the least impact on the visitors' wilderness experience.

Conditions under which use may be allowed (unless otherwise stated, all use is subject to the standards spelled out in the preceding paragraph) are:

1. The public use of aircraft or motorboats, where these uses were established prior to the area's designation as wilderness, may be permitted to continue. Wilderness Management Plans will assure periodic review of such use to determine if its continuation is necessary and impacts on the area's wilderness character are minimized.

2. Motorized and mechanical equipment use may be authorized for mining or prospecting purposes if approved in a Plan of Operation or in association with valid existing rights. Refer to specific guidance for Minerals Management in section III. I.

3. The use of motor vehicles, motorized equipment, and mechanical transport may be approved for certain situations involving established livestock grazing operations. Refer to specific guidance for Rangeland Management in section III. H.

4. Motorized equipment and mechanical transport use may be allowed when an emergency condition exists which involves the health and safety of visitors. The District Manager (or Area Manager, if delegated) may approve such action.

5. Motorized equipment and mechanical transport may be permitted during a fire suppression emergency. Impacts resulting from overland vehicle travel (either cross-country travel or temporary road construction) and impacts from equipment use will be obliterated and rehabilitated in a manner which permits the wilderness resource an opportunity to heal rapidly. Motorized equipment and mechanical transport uses will be specifically addressed in a wilderness area's Fire Management Plan. The District Manager (or Area Manager, if delegated) may approve such action. Refer to specific guidance for Fire Management.

6. The use of aircraft may be allowed in nonemergency situations to deliver supplies or materials to construct or maintain improvements needed for administration of the area as wilderness when use of pack and saddle stock or other non-mechanized means is not feasible. Approval must be authorized by the State Director.

7. Powered hand-portable tools, such as chain saws or rock drills, may be approved by the State Director when they are the minimum necessary for administrative purposes where work cannot be accomplished with nonpowered tools. (In some cases, such tools

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may be necessary in trail construction and maintenance, due to limitations of time, season, etc.)

8. Mechanized or motorized equipment may be used for wilderness research, other wilderness-enhancing purposes where no other alternatives exist and where such use is the minimum necessary for administration of the area as wilderness and will not degrade the area's wilderness character. Instances could include wildlife transplants or fish stocking by State Divisions of Wildlife. State Director approval is required. (Refer also to specific guidance for Research and Studies.)

9. Mechanized or motorized equipment may be used in gathering information about resources, so long as the use is compatible with preservation of the wilderness environment. Instances could include mineral surveys by the U.S. Geological Survey or water resource investigations. State Director approval is required.

10. Where feasible, control of insects and disease will be conducted without use of motorized equipment. Otherwise, aircraft use is permissible without landing of aircraft. Approval must be authorized by the State Director on a case-by-case basis.

11. Motorized equipment necessary to meet temporary emergencies involving violations of criminal law and/or including the pursuit of fugitives may be approved by the District Manager (or Area Manager, if delegated).

12. There is no specific prohibition of overflight of wilderness by aircraft. Low-flying aircraft cause disturbance of the solitude of an area. Except in bona fide emergencies, such as search and rescue efforts and essential military missions, low flight should be discouraged. Where low overflight is a problem, or expected to become a problem, wilderness management plans will provide for liaison with proper military authorities, the Federal Aviation Administration, and contact with pilots in the general area in an effort to reduce low flight.

III. L. Research and Studies

Research is a valid and important use of the wilderness resource. Research will be permitted and encouraged as long as all projects are conducted in such a manner as to preserve the area's wilderness character and they further the management, scientific, educational, historical, and conservation purposes of the area.

Research will be conducted or supported to evaluate the effectiveness in achieving objectives of ongoing wilderness management. Research will also be encouraged to identify problems and improve management techniques to increase efforts to further the purposes of the Wilderness Act.

Research and studies to investigate scientific values may also be conducted in wilderness provided that wilderness is essential to results of such research, and wilderness values would not be jeopardized.

Research and other studies will be conducted without use of motorized equipment or construction of temporary or permanent structures. Exceptions to this policy may be approved by the State Director in projects that are essential to management of the specific wilderness when no other feasible alternatives exist. Such use, when approved, must be the minimum necessary and must not degrade the area's wilderness character.

Chapter IV. Implementation of the Wilderness Management Policy

This chapter explains how the BLM will implement the Wilderness Management Policy through the process of developing a plan for each wilderness area under its administration.

The purpose of the Wilderness Management Plan (WMP) is to describe the management strategy that will be used to work toward attainment of the objectives of the Wilderness Management Policy. The plan must clearly show the actions that will be taken to preserve the wilderness resource, and the linkage between these actions and the objectives.

Each WMP will address the management situation present in an individual wilderness area or in two or more closely related areas. Plans should reflect the different kinds of environmental settings, history of use, and management situations found in individual areas within the framework of this policy.

Public involvement must be included in the development of each WMP. A minimum of at least one meeting or workshop must be open to the general public, and the public must be given at least 45 days to comment upon the proposed Wilderness Management Plan. Issues, questions, and problems raised by the public will be considered during the development of the final WMP. The WMP's will be updated on a regular basis or as conditions change. The public will be given the opportunity to be involved in plan changes.

The Wilderness Management Plan will include the general policy for all BLM wilderness areas. Additions may be made to tailor the policy to the current management situation for each area. Selected statements from the Wilderness Management Policy may be included to show the connection between actions proposed in the Plan and the objectives found in the management policy. Other policy statements may be included where appropriate, so long as they do not conflict with the Wilderness Management Policy.

During the time period before a WMP is prepared for a wilderness area, the Wilderness Management Policy will guide the conduct of day-to-day activities. The approval of activities, programs, or projects initiated by the Bureau of Land Management, other governmental bodies, or private individuals will be contingent upon the completion of an environmental assessment. Proposals determined to be inconsistent with the intent of the Wilderness Management Policy or other elements of the BLM's legislative and regulatory mandate will be modified or disapproved, as appropriate.

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Upon completion of the WMP for an area, the viability of activities, programs, or projects will be determined through the BLM's environmental assessment process. If the proposed action is part of an approved WMP, the environmental assessment will consider if it is the best way to meet objectives of the plan from an on-the-ground perspective and if the action conforms to other applicable elements of the BLM's legislative and regulatory mandate. If the proposal is not part of the WMP, the environmental assessment will be used also to determine if it is in conformance with the WMP. Proposals found to be inconsistent with the WMP or other applicable BLM guidance will be modified or disapproved, as appropriate.

The BLM will issue any regulations necessary to manage visitor use and other problems peculiar to a particular wilderness area. Regulations might cover such topics as camping, river running, use of firewood, etc. Managers should use the minimum amount of regulation necessary, but should not hesitate when a problem calls for them.

Specific guidance regarding the procedure for developing Wilderness Management Plans will be issued to BLM field offices after issuance of the final Wilderness Management Policy.

APPENDIX A

Section 603 of THE FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976 (P.L. 94-579)

Sec. 603. (a) Within fifteen years after the date of approval of this Act, the Secretary shall review those roadless areas of five thousand acres or more and roadless islands of the public lands, identified during the inventory required by section 201(a) of this Act as having wilderness characteristics described in the Wilderness Act of September 3, 1964 (78 Stat. 890; 16 U.S.C. 1131 et seq.) and shall from time to time report to the President his recommendation as to the suitability or nonsuitability of each such area or island for preservation as wilderness: *Provided*, That prior to any recommendations for the designation of an area as wilderness the Secretary shall cause mineral surveys to be conducted by the Geological Survey and the Bureau of Mines to determine the mineral values, if any, that may be present in such areas: *Provided further*, That the Secretary shall report to the President by July 1, 1980, his recommendations on those areas which the Secretary has prior to November 1, 1975, formally identified as natural or primitive areas. The review required by this subsection shall be conducted in accordance with the procedures specified in section 3(d) of the Wilderness Act.

(b) The President shall advise the President of the Senate and the Speaker of the House of Representatives of his recommendations with respect to designation as wilderness of each such area, together with a map thereof and a definition of its boundaries. Such advice by the President shall be given within two years of the receipt of each report from the Secretary. A recommendation of the President for designation as wilderness shall become effective only if so provided by an Act of Congress.

(c) During the period of review of such areas and until Congress has determined otherwise, the Secretary shall continue to manage such lands according to his authority under this Act and other applicable law in a manner so as not to impair the suitability of such areas for preservation as wilderness, subject, however, to the continuation of existing mining and grazing uses and mineral leasing in the manner and degree in which the same was being conducted on the date of approval of this Act: *Provided*, That, in managing the public lands the Secretary shall by regulation or otherwise take any action required to prevent unnecessary or undue degradation of the lands and their resources or to afford environmental protection. Unless previously withdrawn from appropriation under the mining laws, such lands shall continue to be subject to such appropriation during the period of review unless withdrawn by the Secretary under the procedures of section 204 of this Act for reasons other than preservation of their wilderness character. Once an area has been designated for preservation as wilderness, the provisions of the Wilderness Act which apply to national forest wilderness areas shall apply with respect to the administration and use of such designated area, including mineral surveys required by section 4(d)(2) of the Wilderness Act, and mineral development, access, exchange of lands, and ingress and egress for mining claimants and occupants.

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THE WILDERNESS ACT OF SEPTEMBER 3, 1964

Public Law 88-577
88th Congress, S. 4

AN ACT

To establish a National Wilderness Preservation System for the permanent good of the whole people, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Wilderness Act".

WILDERNESS SYSTEM ESTABLISHED—STATEMENT OF POLICY

Section 2.(a) In order to assure that an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas within the United States and its possessions, leaving no lands designated for preservation and protection in their natural condition, it is hereby declared to be the policy of the Congress to secure for the American people of present and future generations the benefits of an enduring resource of wilderness. For this prupose there is hereby established a National Wilderness Preservation System to be composed of federally owned areas designated by Congress as "wilderness areas", and these shall be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character, and for the gathering and dissemination of information regarding their use and enjoyment as wilderness; and no Federal lands shall be designated as "wilderness areas" except as provided for in this Act or by a subsequent Act.

(b) The inclusion of an area in the National Wilderness Preservation System notwithstanding, the area shall continue to be managed by the Department and agency have jurisdiction thereover immediately before its inclusion in the National Wilderness Preservation System unless otherwise provided by Act of Congress. No appropriation shall be available for the payment of expenses or salaries for the administration of the National Wilderness Preservation System as a separate unit nor shall any appropriations be available for additional personnel stated as being required solely for the purpose of managing or administering areas solely because they are included within the National Wilderness Preservation System.

DEFINITION OF WILDERNESS

(c) A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

NATIONAL WILDERNESS PRESERVATION SYSTEM—EXTENT OF SYSTEM

Section 3.(a) All areas within the national forests classified at least 30 days before the effective date of this Act by the Secretary of Agriculture or the Chief of the Forest Service as "wilderness", "wild", or "canoe" are hereby designated as wilderness areas. The Secretary of Agriculture shall—

(1) Within one year after the effective date of this Act, file a map and legal description of each wilderness area with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such descriptions shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal descriptions and maps may be made.

(2) Maintain, available to the public, records pertaining to said wilderness areas, including maps and legal descriptions, copies of regulations governing them, copies of public notices of, and reports submitted to Congress regarding pending additions, eliminations, or modifications. Maps, legal descriptions, and regulations pertaining to wilderness areas within their respective jurisdictions also shall be available to the public in the offices of regional foresters, national forest supervisors, and forest rangers.

Classification. (b) The Secretary of Agriculture shall, within ten years after the enactment of this Act, review, as to its suitability or nonsuitability for preservation as wilderness, each area in the national forests classified on the effective date of this Act by the Secretary of Agriculture or the Chief of the Forest Service as "primitive" and report his findings to the President.

Presidential recommendation to Congress. The President shall advise the United States Senate and House of Representatives of his recommendations with respect to the designation as "wilderness" or other reclassification of each area on which review has been completed, together with maps and a definition of boundaries. Such advice shall be given with respect to not less than one-third of all the areas now classified as "primitive" within three years after the enactment of this Act, not less than two-thirds within seven years after the enactment of this Act, and the remaining areas within ten years after the enactment of this Act.

Congressional approval. Each recommendation of the President for designation as "wilderness" shall become effective only if so provided by an Act of Congress. Areas classified as

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"primitive" on the effective date of this Act shall continue to be administered under the rules and regulations affecting such areas on the effective date of this Act until Congress has determined otherwise. Any such area may be increased in size by the President at the time he submits his recommendations to the Congress by not more than five thousand acres with no more than one thousand two hundred and eighty acres of such increase in any one compact unit; if it is proposed to increase the size of any such area by more than five thousand acres or by more than one thousand two hundred and eighty acres in any one compact unit the increase in size shall not become effective until acted upon by Congress. Nothing herein contained shall limit the President in proposing, as part of his recommendations to Congress, the alteration of existing boundaries of primitive areas or recommending the addition of any contiguous area of national forest lands predominantly of wilderness value. Notwithstanding any other provisions of this Act, the Secretary of Agriculture may complete his review and delete such areas as may be necessary, but not to exceed seven thousand acres, from the southern tip of the Gore Range-Eagles Nest Primitive Area, Colorado, if the Secretary determines that such action is in the public interest.

Report to President. (c) Within ten years after the effective date of this Act the Secretary of the Interior shall review every roadless area of five thousand contiguous acres or more in the national parks, monuments and other units of the national park system and every such area of, and every roadless island within, the national wildlife refuges and game ranges, under his jurisdiction on the effective date of this Act and shall report to the President his recommendation as to the suitability or nonsuitability of each such area or island for preservation as wilderness.

Presidential recommendation to Congress. The President shall advise the President of the Senate and the Speaker of the House of Representatives of his recommendation with respect to the designation as wilderness of each such area or island on which review has been completed, together with a map thereof and a definition of its boundaries. Such advice shall be given with respect to not less than one-third of the areas and islands to be reviewed under this subsection within three years after enactment of this Act, not less than two-thirds within seven years of enactment of this Act, and the remainder within ten years of enactment of this Act.

Congressional approval. A recommendation of the President for designation as wilderness shall become effective only if so provided by an Act of Congress. Nothing contained herein shall, by implication or otherwise, be construed to lessen the present statutory authority of the Secretary of the Interior with respect to the maintenance of roadless areas within units of the national park system.

Suitability. (d)(1) The Secretary of Agriculture and the Secretary of the Interior shall, prior to submitting any recommendations to the President with respect to the suitability of any area for preservation as wilderness—

Publication in Federal Register. (A) give such public notice of the proposed action as they deem appropriate, including publication in the Federal Register and in a newspaper having general circulation in the area or areas in the vicinity of the affected land;

Hearings. (B) hold a public hearing or hearings at a location or locations convenient to the area affected. The hearings shall be announced through such means as the respective Secretaries involved deem appropriate, including notices in the Federal Register and in newspapers of general circulation in the area: *Provided,* That if the lands involved are located in more than one State, at least one hearing shall be held in each State in which a portion of the land lies;

(C) at least thirty days before the date of a hearing advise the Governor of each State and the governing board of each county, or in Alaska the borough, in which the lands are located, and Federal departments and agencies concerned, and invite such officials and Federal agencies to submit their views on the proposed action at the hearing or by no later than thirty days following the date of the hearing.

(2) Any views submitted to the appropriate Secretary under the provisions of (1) of this subsection with respect to any area shall be included with any recommendations to the President and to Congress with respect to such area.

Proposed modification. (e) Any modification or adjustment of boundaries of any wilderness area shall be recommended by the appropriate Secretary after public notice of such proposal and public hearing or hearings as provided in subsection (d) of this section. The proposed modification or adjustment shall then be recommended with map and description thereof to the President. The President shall advise the United States Senate and the House of Representatives of his recommendations with respect to such modification or adjustment and such recommendations shall become effective only in the same manner as provided for in subsections (b) and (c) of this section.

USE OF WILDERNESS AREAS

Section 4. (a) The purposes of this Act are hereby declared to be within and supplemental to the purposes for which national forests and units of the national park and national wildlife refuge systems are established and administered and—

(1) Nothing in this Act shall be deemed to be in interference with the purpose for which national forests are established as set forth in the Act of June 4, 1897 (30 Stat. 11), and the Multiple-Use Sustained-Yield Act of June 12, 1960 (74 Stat. 215).

(2) Nothing in this Act shall modify the restrictions and provisions of the Shipstead-Nolan Act (Public Law 539, Seventy-first Congress, July 10, 1930; 46 Stat. 1020), the Thye-Blatnik Act (Public Law 733, Eightieth Congress, June 22, 1948; 62 Stat. 568), and the Humphrey-Thye-Blatnik-Andresen Act (Public Law 607. Eighty-fourth Congress, June 22, 1956; 70 Stat. 326), as applying to the Superior National Forest or the regulations of the Secretary of Agriculture.

(3) Nothing in this Act shall modify the statutory authority under which units of the national park system are created. Further, the designation of any area of any park, monument, or other unit of the national park system as a wilderness area pursuant to this Act shall in no manner lower the standards evolved for the use and preservation of such park, monument, or other unit of the national park system in accordance with the Act of August 25, 1916, the statutory authority under which the area was created, or any other Act of Congress whichmight pertain to or affect such area, including, but not limited to, the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 432 et seq.); section 3 (2) of the Federal Power Act (16 U.S.C. 796 (2)); and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).

(b) Except as otherwise provided in this Act, each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes for which it may have been established as also to preserve its wilderness character. Except as otherwise provided in this Act, wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use.

PROHIBITION OF CERTAIN USES

(c) Except as specifically provided for in this Act, and subject to existing private rights, there shall be no commercial

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enterprise and no permanent road within any wilderness area designated by this Act and, except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area.

SPECIAL PROVISIONS

(d) The following special provisions are hereby made:

(1) Within wilderness areas designated by this Act the use of aircraft or motorboats, where these uses have already become established, may be permitted to continue subject to such restrictions as the Secretary of Agriculture deems desirable. In addition, such measures may be taken as may be necessary in the control of fire, insects, and diseases, subject to such conditions as the Secretary deems desirable.

(2) Nothing in this Act shall prevent within national forest wilderness areas any activity, including prospecting, for the purpose of gathering information about mineral or other resources, if such activity is carried on in a manner compatible with the preservation of the wilderness environment. Furthermore, in accordance with such program as the Secretary of the Interior shall develop and conduct in consultation with the Secretary of Agriculture, such areas shall be surveyed on a planned, recurring basis consistent with the concept of wilderness preservation by the Geological Survey and the Bureau of Mines to determine the mineral values, if any, that may be present; and the results of such surveys shall be made available to the public and submitted to the President and Congress.

Mineral leases, claims, etc. (3) Notwithstanding any other provisions of this Act, until midnight December 31, 1983, the United States mining laws and all laws pertaining to mineral leasing shall, to the same extent as applicable prior to the effective date of this Act, extend to those national forest lands designated by this Act as "wilderness areas"; subject, however, to such reasonable regulations governing ingress and egress as may be prescribed by the Secretary of Agriculture consistent with the use of the land for mineral location and development and exploration, drilling, and production, and use of land for transmission lines, waterlines, telephone lines, or facilities necessary in exploring, drilling, producing, mining, and processing operations, including where essential the use of mechanized ground or air equipment and restoration as near as practicable of the surface of the land disturbed in performing prospecting, location, and, in oil and gas leasing, discovery work, exploration, drilling, and production, as soon as they have served their purpose. Mining locations lying within the boundaries of said wilderness areas shall be held and used solely for mining or processing operations and uses reasonably incident thereto; and hereafter, subject to valid existing rights, all patents issued under the mining laws of the United States affecting national forest lands designated by this Act as wilderness areas shall convey title to the mineral deposits within the claim, together with the right to cut and use so much of the mature timber therefrom as may be needed in the extraction removal and beneficiation of the mineral deposits, if needed timber is not otherwise reasonably available, and if the timber is cut under sound principles of forest management as defined by the national forest rules and regulations, but each such patent shall reserve to the United States all title in or to the surface of the lands and products thereof, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining or prospecting shall be allowed except as otherwise expressly provided in this Act: *Provided*, That, unless hereafter specifically authorized, no patent within wilderness areas designated by this Act shall issue after December 31, 1983, except for the valid claims existing on or before December 31, 1983. Mining claims located after the effective date of this Act within the boundaries of wilderness areas designated by this Act shall create no rights in excess of those rights which may be patented under the provisions of this subsection. Mineral leases, permits, and licenses covering lands within national forest wilderness areas designated by this Act shall contain such reasonable stipulations as may be prescribed by the Secretary of Agriculture for the protection of the wilderness character of the land consistent with the use of the land for the purposes for which they are leased, permitted, or licensed. Subject to valid rights then existing, effective January 1, 1984, the minerals in lands designated by this Act as wilderness areas are withdrawn from all forms of appropriation under the mining laws and from deposition under all laws pertaining to mineral leasing and all amendments thereto.

Water resources. (4) Within wilderness areas in the national forests designated by this Act, (1) the President may, within a specific area and in accordance with such regulations as he may deem desirable, authorize prospecting for water resources, the establishment and maintenance of reservoirs, water-conservation works, power projects, transmission lines, and other facilities needed in the public interest, including the road construction and maintenance essential to development and use thereof, upon his determination that such use or uses in the specific area will better serve the interests of the United States and the people thereof than will its denial; and (2) the grazing of livestock, where established prior to the effective date of this Act, shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture.

(5) Other provisions of this Act to the contrary notwithstanding, the management of the Boundary Waters Canoe Area, formerly designated as the Superior, Little Indian Sioux, and Caribou Roadless Areas, in the Superior National Forest, Minnesota, shall be in accordance with regulations established by the Secretary of Agriculture in accordance with the general prupose of maintaining, without unnecessary restrictions on other uses, including that of timber, the primitive character of the area, particularly in the vicinity of lakes, streams, and portages: *Provided*, That nothing in this Act shall preclude the continuance within the area of any already established use of motorboats.

(6) Commercial services may be performed within the wilderness areas designated by this Act to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas.

(7) Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

(8) Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish in the national forests.

STATE AND PRIVATE LANDS WITHIN WILDERNESS AREAS

Section 5. (a) In any case where State-owned or privately owned land is completely surrounded by national forest lands within areas designated by this Act as wilderness, such State or private owner shall be given such rights as may be necessary to assure adequate access to such State-owned or privately owned land by such State or private owner and their successors in interest, or the State-owned land or privately owned land shall be exchanged for federally owned land in the same State of approximately equal value under authorities available to the Secretary of Agriculture:

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Transfers, restriction. *Provided, however,* That the United States shall not transfer to a State or private owner any mineral interests unless the State or private owner relinguishes or causes to be relinquished to the United States the mineral interest in the surrounded land.

(b) In any case where valid mining claims or other valid occupancies are wholly within a designated national forest wilderness area, the Secretary of Agriculture shall, by reasonable regulations consistent with the preservation of the area as wilderness, permit ingress and egress to such surrounded areas by means which have been or are being customarily enjoyed with respect to other such areas similarly situated.

Acquisition. (c) Subject to the appropriation of funds by Congress, the Secretary of Agriculture is authorized to acquire privately owned land within the perimeter of any area designated by this Act as wilderness if (1) the owner concurs in such acquisition or (2) the acquisition is specifically authorized by Congress.

GIFTS, BEQUESTS, AND CONTRIBUTIONS

Section 6. (a) The Secretary of Agriculture may accept gifts or bequests of land within wilderness areas designated by this Act for preservation as wilderness. The Secretary of Agriculture may also accept gifts or bequests of land adjacent to wilderness areas designated by this Act for preservation as wilderness if he has given sixty days advance notice thereof to the President of the Senate and the Speaker of the House of Representatives. Land accepted by the Secretary of Agriculture under this section shall become part of the wilderness area involved. Regulations with regard to any such land may be in accordance with such agreements, consistent with the policy of this Act, as are made at the time of such gift, or such conditions, consistent with such policy, as may be included in, and accepted with, such bequest.

(b) The Secretary of Agriculture or the Secretary of the Interior is authorized to accept private contributions and gifts to be used to further the purposes of this Act.

ANNUAL REPORTS

Section 7. At the opening of each session of Congress, the Secretaries of Agriculture and Interior shall jointly report to the President for transmission to Congress on the status of the wilderness system, including a list and descriptions of the areas in the system, regulations in effect, and other pertinent information, together with any recommendations they may care to make.

APPENDIX C

THE BUREAU OF LAND MANAGEMENT WILDERNESS REVIEW PROCESS

To carry out the wilderness mandate of FLPMA, the Bureau of Land Management has developed a wilderness review process with three phases: inventory, study, and reporting to Congress.

Inventory: In the wilderness inventory, the BLM examined the public lands, with public participation, and identified those areas that meet the definition of wilderness established by Congress. These areas were identified as wilderness study areas (WSA's). The inventory was completed by November 14, 1980, in the contiguous Western States, resulting in identification of approximately 24 million acres as wilderness study areas and in elimination from further wilderness consideration of approximately 150 million acres.

Study: Each wilderness study area will be studied through the BLM resource management planning system to analyze all values, resources, and uses within the area. The findings of the study, including public participation, determine whether the area will be recommended as suitable or nonsuitable for designation as wilderness. In practice, determining an area's "suitability or nonsuitability ... for preservation as wilderness," in the words of FLPMA, means determining whether the area is more suitable for wilderness designation or more suitable for other uses.

Reporting: When the study has been completed, a recommendation as to whether the wilderness study area is suitable or nonsuitable for designation as wilderness is submitted through the Secretary of the Interior and the President to Congress. A mineral survey will be conducted by the Geological Survey and Bureau of Mines for any area recommended as suitable. Reports on all wilderness study areas must reach the President no later than October 21, 1991, and reach Congress by October 21, 1993. Only Congress can designate an area as wilderness.

APPENDIX D

DEFINITIONS

Some of the terms used in this document have specific meanings and are defined as follows:

Domestic Livestock: Animals kept and managed for their products or for breeding purposes, not visitors' animals or administrative livestock.

FLPMA: The Federal Land Policy and Management

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Act of 1976 (Public Law 94-579, 90 Stat. 2743, 43 USC 1701).

Livestock Grazing Operations: Those operations under permit where the primary purpose is the grazing of livestock for the production of food and fiber. Includes pack and saddle stock used in conjunction with such operations.

Mechanical Transport: "Mechanical transport" means any device for transporting personnel or material with wheels, tracks, skids, or by flotation for traveling over land, water, or snow and is propelled by a nonliving power source contained or carried on or within the device.

Motorized Equipment: "Motorized equipment" means any machine activated by a nonliving power source except small battery-powered, handcarried devices such as flashlights, shavers, Geiger counters, and cameras.

Motor Vehicle: "Motor vehicle" means any vehicle which is self-propelled or any vehicle which is propelled by electric power obtained from batteries.

Multiple Use: "...the management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; the use of some land for less than all of the resources; a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and nonrenewable resources, including, but not limited to, recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific and historical values; and harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment with consideration being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest unit output." (From Section 103, FLPMA)

Naturalized: Refers to a non-native species of plant or animal which is well established in the area as a part of the wilderness ecosystem and which sustains its population without requiring human assistance (such as stocking or reseeding). Non-native species that are not in equilibrium with the wilderness ecosystem (such as those which are increasing their population and displacing native species) are not considered naturalized.

Naturalness: Refers to an area which "generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable." (From Section 2(c), Wilderness Act).

Outstanding: Standing out among others of its kind; conspicious; prominent. Superior to others of its kind; distinguished; excellent.

Permanent Improvement: A manmade structural or nonstructural improvement which will remain at a particular location for more than one field sesson—as differentiated from temporary structures; includes such items as toilet buildings, trails, cabins, signs, fences, vegetative cover manipulation, shelters, and fire grills.

Primitive and Unconfined Recreation: Nonmotorized and nondeveloped types of outdoor recreational activities.

Rangeland Improvements: Any structural or nonstructural improvement which directly affects or supports the use of the forage resource by domestic livestock, such as fences, line cabins, water lines, and stock tanks.

Recreational Livestock: Horses, mules, or burros used for recreational purposes to transport people and/or their supplies.

Solitude: The state of being alone or remote from habitations; isolation. A lonely, unfrequented, or secluded place.

Temporary Structure: Any structure which can be readily and completely dismantled and removed from the site between periods of actual use. It may or may not be authorized at the same site from season to season or from year to year.

Unnecessary or Undue Degradation: Surface disturbance greater than what would normally result when an activity is being accomplished by a prudent operator in usual, customary, and proficient operations of similar character and taking into consideration the effects of operations on other resources and land uses, including those resources and uses outside the area of operations. Failure to initiate and complete reasonable mitigation measures, including reclamation of disturbed areas, or creation of a nuisance may constitute unnecessary or undue degradation. Failure to comply with applicable environmental protection statutes and regulations thereunder will constitute unnecesary or undue degradation.

Visitor Use: Visitor use of the wilderness resource for inspiration, stimulation, solitude, relaxation, education, pleasure, or satisfaction.

Wilderness: The definition contained in Section 2(c) of the Wilderness Act of 1964 (78 Stat. 891). (See Appendix B for its full text.)

Wilderness Characteristic: The definition contained in Section 2(c) of the Wilderness Act of 1964 (78 Stat. 891. (See Appendix B for its full text.)

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